DOCUMENT RESUME

ED 198 905 PS 011 959

AUTHOR McGowan, Brenda G.; Blumenthal, Karen L.
TITLE Why Punish the Children? A Study of Children of Women Prisoners.
INSTITUTION National Council on Crime and Delinquency, Hackensack, N.J.
SPONS AGENCY Children's Defense Fund, Washington, D.C.
PUB DATE 78
NOTE 136p.
AVAILABLE FROM National Council on Crime and Delinquency, Continental Plaza, 411 Hackensack Avenue, Hackensack, NJ 07601 ($6.50).

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Adolescents; Census Figures; *Childhood Needs; *Children; *Family Problems; Innovation; Institutional Environment; *Institutional Role; Interviews; Mothers; National Surveys; Organizational Change; *Parent Child Relationship; *Prisoners; Social Responsibility; Social Services
IDENTIFIERS *Criminal Justice System

ABSTRACT

An exploratory study of the experiences of prison inmate mothers and their children found that neither adequate support nor needed services for the children were provided by the state. Designed to obtain baseline data, the study initially consisted of a national mail survey of correctional adminstrators and a series of interviews with female inmates in a New York correctional facility. Supplementary data, including talks with children of current former prisoners, were gathered to systematize and round out the local and national data. Findings indicate that the families of imprisoned women are confronted with numerous severe and wide-ranging problems. Lack of both concern and appropriate services for this population were found at every point in the criminal justice process. Chapter One describes the process of imprisonment from arrest to release. Chapter Two describes the experiences of several children of women prisoners and discusses how children of different ages may be affected by such experiences. The statistical findings from the national and local studies are presented in Chapter Three. In the final chapter, factors contributing to the problems of the children are analyzed and recommendations are made. Census data, a list of respondents, supplementary data and a discussion of the study's methodology are appended. (Author/RH)

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WHY PUNISH THE CHILDREN?

A STUDY OF CHILDREN OF WOMEN PRISONERS

Brenda G. McGowan

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WHY PUNISH THE CHILDREN?

A Study of Children of Women Prisoners

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A PUBLICATION OF THE
NATIONAL COUNCIL ON CRIME AND DELINQUENCY

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Dr. McGowan and Ms. Blumenthal have both had extensive experience in the child welfare field. This study was conducted when the authors were associated with the Children's Defense Fund, Juvenile Justice Division, in New York City.

"Children of Women Prisoners: A Forgotten Minority," by Brenda G. McGowan and Karen L. Blumenthal, in *The Female Offender*, edited by Laura Crites, summarizes this report. Copyright © 1976 by D. C. Heath and Company. Permission to reprint from this article is gratefully acknowledged.

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Acknowledgments

This report could not have been written without the support, assistance and thoughtful criticism we received from many colleagues and friends during the past four years. However, it was Hon. Justine Wise Polier, former director of the Juvenile Justice Division of the Children's Defense Fund, who first envisioned the need for this study, and it is she who deserves primary credit for ensuring its publication. Time constraints, funding gaps, and some hesitation about our competency to write such a report since our experience is in child welfare, not criminal justice, all contributed to periods of discouragement when it seemed the report would never be completed. Yet, Judge Polier calmly kept insisting that it was essential that we get our data out to people who could do something about this problem; and with her customary enthusiasm and determination, she helped us to move forward. Therefore, we must give special thanks to Judge Polier for her faith in us and her unfailing commitment to children in need.

We also wish to express our appreciation to the Children's Defense Fund, which provided the initial sponsorship for this study; its director, Marian Wright Edelman; and our former colleagues, Jane Knitzer, Luba Lynch, and Paul Smith, who each made important contributions. The Edna McConnell Clark Foundation's grant to the Juvenile Justice Divi-

sion of the Children's Defense Fund made it possible for us to conduct this study; and the Field Foundation not only provided continuous support but also an ideal working environment. Essential editorial assistance was given by Linda Kravitz. Sarah Dike of the National Council on Crime and Delinquency provided invaluable help with all the problems associated with translating our manuscript into a final publication.

We would, of course, like to acknowledge the many thoughtful responses we received from the correctional administrators who participated in our survey and the cooperation extended to us by administration and staff at the New York City Correctional Institution for Women. We also appreciate the many ideas and experiences shared with us by the correctional officials, social workers, attorneys, and other experts in child welfare and criminal justice with whom we talked. Zelma Henriques, formerly of the Women's Prison Association in New York City, and Edna Goodrich, formerly of the Purdy Treatment Center for Women in Washington—both of whom are real advocates for women prisoners and their children—deserve special mention in this regard.

Finally, and perhaps most important, we wish to express our gratitude to the many mothers in prison who shared their experiences and desires so thoughtfully and openly. We only hope that this report will stimulate enough change on behalf of women prisoners and their children to justify their trust in us.

BGM
KLB

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Foreword

> In the third century B.C., an emperor in India, convinced of the social and ethical principles of Buddhism, dedicated himself to their realization. Among the duties of the welfare workers he appointed was the releasing of prisoners who had children.*

Twenty-three centuries later, the children of prisoners in the United States are still ignored, overlooked, and harmed by both the criminal justice and social welfare systems.

The Juvenile Justice Division of the Children's Defense Fund has sought to discover where and how children are being harmed in our society today. It has presented facts and recommendations that could end or ease those harms, and bring greater strength and hopes to children and families. This study, like *Children in Adult Jails* and *Children without Homes*, is neither global nor theoretical. Stimulated by first-hand experience, this study has collected data on how many children are separated from their mothers following arrest, who the mothers are, what offenses they have committed, and what has happened to their children. It shows the hurts and anguish of the children, the misery of many mothers, and the ineptitude with which the state deals with both. It asks

*See Trevor Ling, *The Buddha* (Edeton, England: Penguin Books, 1973), p. 199.

why this group of most vulnerable children has been largely overlooked, isolated, and mistreated, and it presents realistic recommendations for what can be done in "the here and now."

Overlooked and Isolated

Amid the endless compiling and computerizing of statistics, efforts to uncover where children are—what happens to them—when families break up or when parents are removed or remove themselves are all too few. Follow-up studies to learn what helps or hurts children are out of fashion and out of funds.

As noted in a recent pilot study in Oregon, there is little literature or research treating the effects, on children, of imprisonment of their parents. Unlike separation from a parent through illness, death, or divorce, separation because of imprisonment is often explained to children by the caretakers in vague terms, and children feel forced to cooperate in deceptive cover-ups: ". . . imprisonment is shrouded in secrecy, and the children are forced to 'go underground.'"*

The number of children of women prisoners, where they are, what is being done for them, or what is happening to them is not included in government data. Such lack of knowledge is one more sad reflection of the lack of comprehensive planning for children and families in this country. It also reflects attitudes that tolerate harm to children when they are part of any "underclass." Children of single mothers, of unskilled parents, of minority groups, and of women prisoners are children of poverty in every sense.

The Criminal Law and Children of Women Prisoners

As the authors of this study say, "the idea that the criminal justice system should take responsibility for what happens to children of offenders is foreign to traditional concepts of law enforcement. . . ."

Punishment has traditionally been targeted against the individual offender. In the past, it was extended to the family through confiscation of rights and property. More subtle ways of punishing the children of prisoners endure. Frightened by the sudden removal of a parent, these children are left to face the imprint of stigma, the mockery of peers, the enforced isolation, the sense that those placed in physical charge of their lives do not really want or love them, and the uncertainty about their future. This is punishment beyond measure.

*William H. Sack, Jack Seidler, and Susan Thomas, "The Children of Imprisoned Parents: A Psychosexual Exploration," *American Journal of Orthopsychiatry*, October 1976, p. 623.

The linear vision of seeking "fair" punishment for the offender, with its emphasis largely on due process, is too narrow to permit concern for the condition of the children of women prisoners. Ignorance and neglect of the harms being done in the name of "blind justice" once more challenge the meaning of justice in a society that permits legislators, judges, and administrators not to know or feel responsible for the hurts and harms perpetrated in the name of law. New theories about "just deserts" through fixed penalties for offenders are directed toward achieving impartial, fair, and even-handed justice. Unhappily, the consequences are often empty-handed rather than even-handed.

Offenses for which women are arrested are most often victimless. Only 2.9 percent of female arrests in 1972 were because of serious crimes of violence. These facts demonstrate the needless cruelty of abrupt separation of mothers from their children at the time of arrest or pending trial, when there is no threat to the safety of others. They challenge the reason behind legislative codes that prescribe fixed periods of incarceration for victimless offenses with a slide-rule approach to the correction of human misconduct. They underline the soundness of recommendations for diversion from prisons and jails, and the use of fines, restitution, community services, probation supervision, family foster care, and halfway homes that could strengthen rather than further erode parent-child relationships.

For the criminal justice system, this study raises many questions: Why, at the operational level of the criminal justice system, is there such insistence on autonomy of the police, district attorneys, probation, judges, and legal services that there is little coordination of efforts? Why is screening for parole so inadequate and tardy? Why is incarceration used when the offender is no threat to the community? Why has the correction system failed to provide training for work or needed services to persons once hidden behind jail or prison walls?

Social Welfare and the Children of Women Prisoners

While the criminal justice system has been described correctly as largely a male domain, child welfare might correctly be described as largely a female domain. Neither has done rightly by women offenders or their children. Despite the rapidly increasing numbers of women offenders, society is still unwilling to confront their problems. Whether this is because society continues to romanticize the role of women, or because society is repelled by women who break laws, may be argued. What cannot be denied is that the number of women or girls charged with and convicted of criminal offenses grows, and that the population is young, unskilled, and poor, with a disproportionate number from minority

groups. And, most important, approximately 70 percent are mothers with young children.

What might be termed the jungle of criminal justice is followed by a desert of indifference in the child-care system for women prisoners as mothers and for their children. Even those services that do exist are in disarray, and ". . . tend to be highly specialized and fragmented. Each is organized to deal with a particular type of social problem, a single aspect of clients' lives, or a specific diagnostic category." Each fails to reach out. In fact, substitute caretakers of the children are not even told of a child's entitlement to AFDC or of the caretakers' right to higher foster home rates.

Whether the expressed intent of those administering the correctional and social welfare "systems" is to rehabilitate the individual offender or to protect the community, the means used are completely at odds with such intent. The reported responses of 1,000 women prisoners in this study show how little, if any, aid they feel they receive while in prison; and they receive little but harm when held in jails. Most women offenders, who are held in jails, receive no education, no vocational training, little medical care, and no services to prepare them either for better parenting or greater self-dependence on release. A holding operation in cells in overcrowded jails can only lessen the offenders' sense of worth and add to all their problems. And like the inadequate services in jails and prisons, the post-release programs conducted by parole have become primarily a policeman's monitoring task to report further misconduct.

While there is a slowly growing concern about children removed from families and placed in foster care, the incarceration of mothers without active services for them or their children creates the very conditions of limbo that are decried in other contexts. Society is most guilty of abandonment and neglect when the sole parent is removed by the state. The question we must ask is what is the responsibility of the state when this occurs? The case studies illustrate poignantly what separation means to infants, to toddlers, to school-age children, and to adolescents. The sense of loss, the fear, the sense of worthlessness imposed on children may be different for different children and at different stages of their development, but they are ever-present.

Needed: New Concepts, New Laws and New Services

This study challenges a legalistic approach to complex human problems and its effect on offenders and their children. It challenges the concept of justice when administration is fragmented and responsibility is divided between compartmentalized authorities. It challenges the low level of community services that are neither adequately conceived nor adequate-

ly implemented. It urges more than the present token gestures toward establishing fines, restitution, and community services as substitutes for incarceration. We hope that this study will help to point new paths through which to meet the life problems of offenders and their families in more constructive fashion than the present needless incarceration.

The most difficult question in regard to the punishment of children for the offenses of their parents is how, under a doctrine of equal and non-discriminatory justice (at least in theory), one can modify punishment because an offender has children. Proposed reforms for fixed sentences based only on the offense minimize the importance of life histories, past deprivations, and family relationships. They discard knowledge that continuing family ties are consistently the most positive factor in the rehabilitation of offenders. No one can casually dismiss reforms that seek to restrict discriminatory sentences and challenge pretensions to rehabilitation through incarceration. But new, like old, prescriptions for reform must be re-examined in terms of their consequences as well as their goals.

It is essential that a new jurisprudence for the nonviolent offender be developed, together with meaningful community services directed to the strengthening of families. However, as this study makes clear, the underpinning for progress in both areas depends on the development of a comprehensive national family policy. Without it, neither fragmented reforms nor eye-dropper services will avail to meet the problems of children at risk.

Hon. Justine Wise Polier

October 5, 1977

Introduction

Despite the recent interest in the rights of children, the rights of women, and the rights of prisoners, there is one group that has virtually been ignored—the children of women prisoners. In writing this report of a study conducted by the Juvenile Justice Division of the Children's Defense Fund in 1974–75, the authors hope to stimulate public concern about the plight of these children. More important, we hope to encourage the development of sound, family-oriented policies and programs for inmate mothers and their children. The report is written for all who care about children— concerned citizens, advocacy groups, responsible public officials, and professionals in the child welfare and criminal justice fields.

If we were limited to one phrase to describe what is known about or done for children of women prisoners, we would select "almost nothing." They are nobody's special concern, nobody's primary responsibility. In a highly specialized and bureaucratic society such as ours, this means that practically nothing is done for them.

As this study demonstrates, American society continues to punish

children for the crimes of their parents.[1] These children are not stoned or flogged, exiled, or placed into servitude; but often they are removed abruptly from their homes, schools, and communities, shuttled from one caretaker to another, deprived of seeing their parents or siblings, teased and avoided by their peers, and left to comprehend on their own what is happening. That these experiences are the result of neglect, not malicious intent, does not lessen their punitive consequences for the children involved.

A society that would not deliberately punish children for the offenses of their parents permits this neglect for several reasons. First, *because of the lack of a national family policy, no effort is made to evaluate the impact of criminal justice policies and practices on family life.* Every component of the correctional system is oriented toward the punishment, correction, and rehabilitation of offenders as individuals, not as persons with familial roles and responsibilities. Success is measured almost entirely by recidivism rates, not by the degree to which offenders can be reintegrated into society or by the effect of their experiences in the correctional system on their families and the larger community. The idea that the criminal justice system should take responsibility for what happens to children of offenders is foreign to the traditional concepts of law enforcement, the judiciary, and correction.

Second, although many communities have a wide range of social service agencies which might be expected to provide help to families of offenders, the programs tend to be highly specialized and fragmented. Each is organized to deal with a particular type of social problem, a single aspect of clients' lives, or a specific diagnostic category. *No one agency or group of agencies is assigned responsibility for considering the total needs of children or families.* Yet children of women prisoners as a group cannot be assigned any of the usual diagnostic labels nor can they fit into neat bureaucratic categories such as the neglected, the abused, the retarded, the psychotic, or the delinquent. Too often, no one assumes responsibility for providing adequate support or needed services; as a result, these children are allowed to fall into the gaps between social programs.

[1]Because mothers have traditionally performed the primary child-caring role in this society, the study focused only on children of women prisoners. However, serious family disruption may also occur when fathers are arrested, detained, or imprisoned. In families in which the father is the only or primary caretaker, the children are likely to suffer consequences very similar to those experienced by children of women prisoners. Therefore, our emphasis on children of women prisoners reflects the limits of the study, not any implication that the problems encountered by families of male prisoners are necessarily different or less severe.

Finally, it is important to note that *children of women prisoners are usually poor and are often nonwhite—they are part of that group of children whose needs are consistently disregarded by the larger society.* Since their plight stems so directly from social causes, it is difficult to treat them as so many other groups of children are handled—by "blaming the victim." Instead, these children are simply ignored, and for children this may be the most severe form of punishment.

We can only estimate the actual number of children of women prisoners because they have been overlooked statistically as well as in every other way. The Women's Bureau of the U.S. Department of Labor estimates that there are approximately 15,000 women incarcerated in federal, state, and local facilities on any one day.[2] The best available data suggest that 70 percent of female inmates are mothers and that the average inmate mother has two dependent children; therefore, we estimate conservatively that *on the average day* there are approximately 21,000 children in this country whose mothers are incarcerated.

Because statistics on the number of persons detained or imprisoned annually vary widely, it is impossible to estimate with any degree of accuracy the number of children whose mothers are incarcerated *during the course of a year.* Nevertheless, we do know that approximately 14,000 women were confined in federal and state prisons during 1970,[3] and there may be as many as 150,000 to 200,000 female admissions to local jails and lockups during a single year.[4] Unfortunately, because of the lack of reliable data on recidivism, there is no way to determine an unduplicated count and, hence, no way to estimate the total number of children whose mothers are incarcerated or detained during a year. Whatever the precise number of children may be, it is obvious that this is too large a population to be ignored. Moreover, the many children whose mothers are recidivists and who may suffer the traumatic effects of repeated maternal incarceration warrant special concern.

From 1960 through 1973 the female arrest figure for all offenses climbed by 95.3 percent,[5] and this startling increase is likely to continue. What is perhaps even more disturbing is that between 1960 and 1973 the number of women under eighteen years of age arrested for serious crimes

[2]Of these, it is estimated that 800 are in federal reformatories, 6,000 in state institutions, and 8,000 in more than 3,500 county and municipal jails.

[3]Michael J. Hindelang, Christopher S. Dunn, Paul L. Sutton, and Alison L. Aremick, *Sourcebook of Criminal Justice Statistics* (Washington, D.C.: Govt. Printing Office, August 1973), Table 6.16.

[4]It has been estimated that jails in the United States hold three to four million people annually and approximately 5 percent of the total jail population is female. See Ronald Goldfarb, *Jails: The Ultimate Ghetto* (Garden City, N.Y.: Anchor Press, 1975), pp. 13–14.

[5]Federal Bureau of Investigation, United States Department of Justice, *Uniform Crime Report for the United States 1973* (Washington, D.C.: Govt. Printing Office, 1973), p. 126.

rose 337.2 percent and the number under eighteen years arrested for all offenses rose 264.1 percent.* Should this trend continue, there will be an increasingly high arrest rate of women now entering the major childbearing period and an increasing number of children whose lives will be affected.

We began this study with many questions about what happens to children of women offenders, such as the following:

> When a mother is arrested, who takes responsibility for the welfare of the children? Does anyone evaluate the care the children are receiving? How are child-care arrangements made?
>
> Where do children live when their mothers are in prison? Who supports them? Do the children have regular contact with their mothers?
>
> How do children feel when their mothers are arrested, detained, and incarcerated? What consequences does this experience have for them?
>
> Does the criminal justice system treat women who are mothers differently from other female offenders? To what degree does a mother's responsibility for dependent children influence the prosecutor's, the probation officer's, and/or the judge's decisions regarding pre-trial release, bail, sentencing, and so forth? Are the best interests of the children considered?
>
> How do inmate mothers feel about being separated from their children? What were the relationships between women prisoners and their children before incarceration? What effect does the prison experience have on the mother-child relationship? Do the policies of prisons and jails regarding visits, phone calls, letter writing, home visits, and furloughs encourage contacts between mothers, their children, and the caretakers of their children? What services and programs exist within correctional facilities and in the larger community to help mothers meet parental responsibilities while they are incarcerated?
>
> What changes in legislation, in public policy, and in social welfare and correctional programs are needed to protect or support the children of women prisoners? Who should take responsibility for these changes?

We used various means to answer some of these questions: (1) a na-

*Ibid.

tional mail survey of administrators and the women prisoners in seventy-seven correctional facilities and departments reported to hold at least twenty-five women; (2) intensive interviews with sixty-five women at the New York City Correctional Institution for Women; (3) visits to several innovative programs for women offenders; (4) talks with children of current and former prisoners; and (5) interviews with selected professionals in the child welfare and criminal justice fields, primarily in the New York City area. Some of the study findings are clear, others tentative.

Special services to inmate mothers and their children are very limited, although a few innovative service programs provide notable exceptions.

The vast majority of children of women prisoners are very young (two-thirds of those in the national survey were under ten and one-fourth under age four); hence, they were separated from their mothers at an early, vulnerable age.

Approximately three-fourths of these children lived with their mothers before the arrest occurred. Those children not living with their mothers before the parent's arrest generally lived with relatives. Although these children did not experience a change in residence because of their mothers' arrest, many of them suffered the loss of continuing relationship with their mothers.

Children who had to be moved after their mothers were arrested usually went to live with relatives. However, one out of eight was placed with strangers in foster care.

Approximately 85 percent of the inmate mothers maintained some contact with their children during their incarceration, but few were permitted to take as much responsibility for or to see their children as frequently as they would like; the brief contacts allowed have limited meaning to many children, especially those who are very young.

Over three-fourths of the mothers surveyed hoped to re-establish a home for their children following their release from prison. Yet they received little, if any, help in making suitable plans.

Perhaps the most striking finding of our study was the severity and range of problems experienced by children and families because of the lack of concern and appropriate services for this population at every point in the criminal justice process. The punishment these children suffer is often the result of acts of omission rather than commission, but the effect is the same. The children know or feel that their mothers have been

abruptly taken away and that they are not allowed to see them or have any regular contact with them. They are shunted from one home to another, told little if anything about what has happened, and left alone to worry about their future.

This study does not romanticize women prisoners and their children. We found that some of the women had neglected or abused their children before they went to prison because of drugs, alcoholism, or other problems. Many, however, had provided excellent care for their children. Some mothers had inadequate mothering themselves and lacked appropriate parental role models; others had enjoyed and still did enjoy strong support from their families. The vast majority of these women were poor, with limited education and few work skills. Some had long criminal histories, were involved in self-destructive relationships and behavior, and had little hope or drive for change. Many mothers had given little thought about future plans for their children. Some could not dare to dream; others had inappropriate plans. All of these observations, however, serve to support rather than diminish the argument for attending to the needs of prisoners' children. The problem to date has not been one of over-romanticism, but of neglect and dismissal.

Clearly, the factors characterizing the life of each inmate mother and her child are different. Nevertheless, the familial responsibilities of women prisoners and the best interests of their children can and should be considered at each point in the decision-making process. It may be unrealistic to expect correctional agencies to improve mother-child relationships or create family life where none existed before, but the criminal justice system does have a responsibility to prevent destruction of family life through ignorance or indifference and to help each woman who comes into the system to make the best plans possible for her children.

In chapter 1 we consider the process from arrest to release, examining the impact of various law enforcement, judicial, correctional, and social welfare agencies on women offenders and their children. Chapter 2 describes the actual experiences of several children of women prisoners and discusses how children of different ages may be affected by experiences such as these. In chapter 3 we present the statistical findings from our national and local studies. In the final chapter, we analyze some of the complex factors contributing to the problems of this population and present our recommendations for change.

1 / *From Arrest to Release: What Happens to Women Offenders and Their Children?*

Special problems faced by children of women offenders begin when their mothers are first arrested. These problems are exacerbated when mothers cannot raise bail or be released on their own recognizance and are detained for days or months in city and county jails. And when mothers are convicted and sentenced, their children are likely to suffer even graver harm. In this chapter we shall describe the process from arrest to release, showing how the risk of potential injury to the mother-child relationship increases as women offenders are moved deeper into the criminal justice system. As we examine this process step by step, it becomes clear that services are needed at each critical junction and that these services could be provided by existing state and local agencies.

ARREST

The vast majority of female arrests are for relatively minor offenses, and a large proportion of these are for "victimless" crimes, such as prostitution, drunkenness, disorderly conduct, and narcotics. Only 25.2 percent

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of all women arrested in 1972 were arrested for serious crimes,[1] and only 2.9 percent of female arrests in 1972 were for serious crimes of violence.[2] (See Table 1 for a listing of the offenses for which women are most likely to be arrested.) However, *the severity of the alleged offense has little bearing on how women are treated when they are first arrested or on what happens to their dependent children.*

Table 1

Rank Order of Offenses for Which Females Are Most Likely to Be Arrested, 1972

Rank	*Offense*	*Percent of All Female Arrests*
1	Larceny—theft	20.2
2	Drunkenness	9.8
3	Disorderly conduct	8.5
4	Narcotic drug laws	6.0
5	Other assaults	4.1
6	Drunken driving	3.8
7	Prostitution	3.4
8	Liquor laws	2.7
9	Embezzlement and fraud	2.4
10	Aggravated assault	2.0

Source: Rita James Simon, *The Contemporary Woman and Crime*, Monograph Series, Crime and Delinquency Issues, National Institute of Mental Health (Washington, D.C.: Department of Health, Education and Welfare, 1973), p. 47.

Until 1972 the New York City Police Department had no guidelines for handling a woman who had minor children when she was arrested, no matter what the nature of her offense. At that time, at the urging of the Children of Offenders Project of the Women's Prison Association, the Department issued regulations providing that such arrests be treated as "aided" cases under Patrol Guide Procedure #106-12:

> When an officer arrests a woman, he is required to ask whether she has a dependent for whom she is responsible. If the answer is affirmative, he

[1]Serious crimes are those which the FBI classifies as Type 1 Offenses: criminal homicide, robbery, aggravated assault, burglary, larceny, auto theft.

[2]Rita James Simon, *The Contemporary Woman and Crime*, Monograph Series, Crime and Delinquency Issues, National Institute of Mental Health (Washington, D.C.: Department of Health, Education and Welfare, 1973), pp. 38, 40.

> files an AIDED report, obtains permission from the woman for an officer to enter her home, and dispatches a radio car to verify the woman's statement. If a child is alone, the officer tries to find a relative or neighbor to care for him. If this cannot be done, he confers with the Borough's Emergency Children's Services of the N.Y.C. Bureau of Child Welfare to ascertain which kind of service might apply and how to provide the necessary transportation. *In either case*, the officer must report to the Bureau of Child Welfare. [NYC Special Services for Children][3]

However, despite the 1972 regulations, few police officers routinely ask women whether they have dependent children. The degree to which police fail to follow these established procedures is reflected by the vast disparity between the number of female offenders arrested and the number of offenders' children referred to Emergency Children's Services. Under the New York City Police Department's "sweep" policy designed to reduce prostitution, in Manhattan alone there were 30,027 arrests in 1974 of women suspected of being streetwalkers[4]; all of these women were searched, booked, and held briefly, sometimes overnight. Our best estimate is that 70 percent of the women arrested in New York City are mothers with an average of 2 dependent children; however, only 131 children in 72 families were reported to Emergency Children's Services in 1974 during the night hours when the vast majority of female arrests took place.[5] Obviously, the children of most alleged offenders were ignored.

There are two reasons for this disparity, the first being the overriding concern of the police making an arrest—namely, the apprehension of the alleged offender and/or community safety. They are unlikely to consider the suspect's children unless the children are actually present at the time of the arrest. Given all the other tasks the police must perform while effecting and processing an arrest, especially in cases of group arrest, they are unlikely to view their responsibility for the children as a high priority unless the children are obviously in need of care.

A second factor is that female suspects may be unwilling to answer questions of arresting officers regarding their children. Many are reluctant to disclose their children's whereabouts because of fear that the police will remove the children and that they will not be returned. Consequently, these women may not admit that they have any children. Yet

[3]Cited in Sylvia Kronstadt, unpublished paper on the feasibility of establishing a nursery at the New York City Correctional Institution for Women, prepared for the New York City Board of Corrections, 1973 (mimeographed).

[4]Tom Wicker, "The Oldest Dilemma," *New York Times*, Apr. 16, 1976.

[5]Comparable data on reports filed during daytime hours are not available.

early intervention by child welfare workers to provide needed support and care requires accurate and speedy referrals from the police.

Interviews with women who have been arrested in other parts of the country indicate that police practices in New York are not atypical. We talked with former inmates from Georgia, South Dakota, Utah, Texas, Pennsylvania, and Michigan who said they had never been asked whether they had children, where their children were, or what arrangements could be made for their care. In many cases the police conduct was appalling in its disregard of the needs of children. For example, a woman with two young children (ages two and four) was arrested on a drug possession charge. The police burst into the house and cut open the heads of her four-year-old daughter's dolls to search for drugs as the child looked on in tears. They then handcuffed the woman and led her away without giving her any opportunity to comfort her children. In another case, a mother of two school-age children was arrested at work and was not permitted to call home for twenty-four hours. She had been expected home at five o'clock that evening; the babysitter had to remain to comfort the children, although neither she nor the children knew what had happened.

PRE-TRIAL PERIOD

After arrest, a woman is taken to the police station to be "booked." This involves official entry of identifying information, the alleged offense, and the time of the arrest. If the woman is not released on her own recognizance by the police, she may be held in custody for a few hours or overnight until arraignment before the criminal court.

The judge, in turn, may decide to release her on her own recognizance, parole her in custody of another person, impose bail, or, in the most severe cases, hold her without bail. The defendant's anxiety during arraignment—about whether the judge will set bail and whether she will be able to raise it—is heightened if she is a mother concerned about her children.

Although offenders are usually released while awaiting trial, most women are separated from their children for at least several hours, sometimes much longer. In the District of Columbia in 1969, more than 2,200 children were left for an average of six to seven hours while their mothers were confined at the Women's Detention Center.* In New York

*Daniel L. Skoler and Jane C. McKlown, *Women in Detention and Statewide Jail Standards*, American Bar Association Commission on Correctional Facilities and Services, Clearinghouse Bulletin #7, March 1974, p. 10.

City, most women are not arraigned until the day after their arrest, so they are away from their children for at least one night.

The Attorney

In New York and many other large cities, most legal defense work is handled by attorneys from the Legal Aid Society. In other areas, private attorneys and attorneys from public law agencies who are assigned by the court are more likely to perform legal services. This difference has little apparent effect on the concern demonstrated by attorneys for their clients' children.

Whether motherhood will influence pre-trial treatment and release is an issue that has not yet been adequately explored. However, in the opinion of one experienced attorney from the Legal Aid Society in New York City, a good attorney will ask a woman whether she has any children and, if she does, who is caring for them. This information is obtained solely for the purpose of applying for release or low bail in cases where the offenders' children are in need of care. In areas such as New York City which have pre-trial service programs, attorneys assume that the pre-trial worker will inform the judge of any family situation that requires immediate consideration. In some cases, as discussed below, this may not be done because the pre-trial service staff may not regard such problems as their responsibility. And whether or not court personnel assume such responsibility, counsel is rarely willing to take any direct action or even to make a telephone call or referral on behalf of his client's children. One woman explained that for six months she begged her lawyer to find out what had happened to her daughter. He never did. When she finally heard from the woman who had been caring for her child, the lawyer advised her to give this woman custody of her daughter. If she had followed his advice, she might have lost her child permanently.

The Pre-Trial Services or Probation Worker

A number of states now have a pre-trial release program administered by either the probation department or a separate staff. Eligibility for release on recognizance is usually recommended on the basis of criteria similar to those first developed by the Manhattan Bail Project of the Vera Institute of Justice in New York. These criteria relate to such matters as family ties, employment history, and length of time at the same address; they are regarded as a prediction of the likelihood of appearance for trial. In some areas individuals not released on bail or personal recognizance may be recommended as eligible for a third-party custody release. Under

this program a relative, friend, or organization assures the court that the defendant will appear at the proper time.

The investigation by the pre-trial services or probation worker[7] customarily includes an inquiry about the defendant's family situation. However, action is seldom taken on any of the problems identified. In New York City, one worker explained that her department is "not in the referral business." She added that the Department of Probation, which supervises the Release on Recognizance Program, does not want the staff doing "social work." These workers would rarely make a call or referral for a female defendant regarding her children or emphasize the children's needs in the report to the court.

Thus, offenders' children are largely ignored during the pre-trial period. Depending on the judge present at arraignment or at the preliminary hearing, if a woman is shown to have responsibility for minor children, the court may be somewhat less likely to detain her. If the woman is not released, however, no further consideration is given to the children's needs—whether they are receiving adequate care during this period, or what may be needed for their future should their mother be convicted and incarcerated. Because of overcrowding in the courts, which is lengthening the pre-trial period, the need for such attention is increasing. For example, in three counties in New York City, the average delay from arrest to trial was recently estimated as nine months.[8]

DETENTION

Approximately half of all female inmates are in county jails and lockups rather than state or federal prisons. While a sizable portion of these women are serving short-term sentences, 55 percent of the 7,739 adult female residents in the 1970 National Jail Census were pre-trial detainees.[9] The majority of female inmates in detention facilities have not been convicted of any crime, but they may be confined in substandard facilities and deprived for extended periods of any contact with their children.

Local jails and lockups represent the worst of the correctional system.[10] They are especially injurious to women because they subject women to facilities planned for and supervised almost exclusively by

[7]There are local variations as to which department assumes responsibility for this function, the depth of the inquiry, and how quickly it is carried out.

[8]*The Criminal Justice System in the City of New York—An Overview*, A Report of the New York State Commission of Investigation, November 1975, p. 44.

[9]Skoler and McKlown, *Women in Detention and Statewide Jail Standards*, p. 3.

[10]See *Children in Adult Jails*, A Report by the Children's Defense Fund of the Washington Research Project, December 1976.

men and they provide even fewer services for women than for men. Neither the physical arrangements nor the personnel allow for wholesome contact between mothers and their children. Visiting is sometimes prohibited and no jail personnel are available to help the mothers with problems concerning their children.

A recent report of the American Bar Association concluded, "Existing jail and detention standards make little specific reference or allowance . . . for the special needs of female offenders."[11] And members of the American Association of University Women who visited Pennsylvania jails in 1967 found:

> Eighty percent of the women on whom records are available have children whom they have to support.
>
> In a few counties women are allowed to see their children on one visiting day per week, but in most counties children are not allowed to visit unless they are *over* 18 years of age.
>
> Programs designed to assist women in solving the problems that led to drug use are almost totally non-existent in Pennsylvania, as are those for alcoholism. Women charged with neglect of their children and failure to send children to school are confined in jails where their ability to cope with their families is obviously drastically limited.[12]

In general, very little concern is displayed for offenders' children while their mothers are held in jails or lockups. Many detention facilities prohibit all visiting by children under fourteen, sixteen, or eighteen—a policy which serves the convenience of jailers more than the welfare of children. Inmates are often not permitted to make phone calls to their children or to their children's caretakers. Moreover, in those facilities where children are allowed to visit, the visits are usually brief and are conducted through a screen or glass under circumstances which must be quite upsetting for children. For example, a woman in a northwestern state told us that she was confined in a county jail for three-and-one-half months; during her confinement she was able to see her children only once, and that visit was arranged illegally by a friend. The woman was fearful that she would receive a more severe sentence if this visit was discovered, but she felt she had no choice when her friend told her how worried and upset her children were.

Women who are arrested often must arrange for their children's care very quickly and under great stress. These "temporary" arrangements may last much longer than the mothers anticipated when first arrested.

[11]Skoler and McKlown, *Women in Detention and Statewide Jail Standards*, p. 27.

[12]Margery L. Velimesis, "Criminal Justice for the Female Offender," *American Association of University Women Journal*, October 1969, pp. 14-16.

Women in detention receive little help in reviewing the adequacy of their children's living arrangements or in making long-range plans if they are likely to be held for a long period pending trial or if they are convicted and sentenced to prison.

TRIAL AND SENTENCING

When a case has not been dismissed or the woman has not pleaded guilty, the next step in the criminal justice process is trial. If a defendant is convicted, one factor which may influence the sentencing decision is the pre-sentence investigation. Between the time of conviction and sentencing the probation department prepares reports to guide the court in its determination of the sentence. In New York City, the Department of Probation uses a standard form in conducting interviews to obtain information about the convicted person's background, educational history, family situation, and criminal record. The probation officer routinely asks about the home situation, but interviewing children is not ordinary procedure. In fact, with present caseloads this would be impossible. When a convicted mother expresses concern for her children, the probation officer is expected to look into the matter further and to take appropriate action; however, we found no evidence that this happens with any regularity. The pre-sentence report is also supposed to inform the judge of any problems caused by the mother's confinement; he, in turn, is expected to make an appropriate referral if the children are in need of service. Again, there are no data to indicate how frequently this occurs.

In New York City, the Legal Aid Society recently established a pre-sentence division which investigates cases between the time of conviction and sentencing. Field investigations and follow-up work by this division are reported to be more intensive than those of the Department of Probation. Staff in this division explore child-related problems, discuss alternative solutions with the mother, and help her with the solution she selects. Moreover, they now have the opportunity to act as advocates for the children by highlighting the needs of the family unit in their reports to the court. Unfortunately, in the many cases where women have pleaded guilty in hope of receiving a suspended sentence, the division often becomes involved too late to offer more than limited assistance before sentencing. But in other cases, Legal Aid staff may be able to provide real help to mothers in planning for their children.

When a mother is convicted and sentenced to prison, her family must cope with many added frustrations. The Ad Hoc Committee on Families of Offenders in New York City observed:

> The families generally cannot obtain information as to which facility their family members will be sent, approximately when they will be transferred there, where the institution is located, how to travel to that institution, what are the regulations for visiting, what must be done to write to the individuals, what are the regulations on sending packages, and most simply, how long is the sentence and when is the earliest possible release. This is in addition to the problems of need for financial assistance, be it welfare or work, problems with housing, outstanding bills. There is also a plethora of internal family problems relating to the need to redefine the family unit in the absence of the incarcerated individual. These problems are especially critical when children are involved. Whether the children remain with one family or some other family member or whether they are placed in care, there is still the question of interpreting to them what has happened to the incarcerated parent and why. Questions concerning continued communication (including institutional visits) must be addressed. The whole continuing relationship between the children and the incarcerated parent must be carefully evaluated on the merits of each individual case.[13]

Special problems arise when women who hoped to be placed on probation suddenly find that they are sentenced to prison. The woman is often taken directly from the courtroom to prison and is not permitted to talk with her children or to make any plans for them. Children have watched while their mothers were handcuffed and taken away; mothers have left their children promising to return but after sentencing were unable even to call until several days later to explain to the children what had happened.

Factors Influencing Disposition

A woman's responsibility for dependent children influences the judge's sentencing only in borderline cases. If the judge is likely to consider a suspended sentence because of the nature of the offense and the woman's record, the fact that she has dependent children may be the deciding factor. However, if the traditional disposition for the offense is incarceration, the judge's decision is unlikely to be influenced by the woman's family responsibilities.

In exceptional cases, the sentencing judge may be influenced by the defendant's notoriety and the case's special human appeal; the race, social class, and reputation of the defendant; or the presence of strong

[13]Ad Hoc Committee on Families of Offenders, "The Delivery of Services to the Families of Incarcerated Individuals," prepared for the New York State Department of Corrections, September 1974 (mimeographed).

public sentiment. For example, Judge Gerhard A. Gesell, of the U.S. District Court in the District of Columbia, reduced the sentence of one of the Watergate defendants, Charles Colson, from the one-to-three year term previously imposed to the less than seven months he had already served. In his order releasing Colson, the judge commented, "This action is taken by reason of defendant's serious family difficulties which have greatly aggravated the severity of the sentence imposed."[14]

Another widely publicized case in which familial responsibilities influenced the judge's decision was that of Clifford and Edith Irving, who were convicted for their part in the bogus autobiography of Howard Hughes. Taking into account the Irvings' two young children, aged two and four, the judge suspended all but two months of Mrs. Irving's sentence and arranged for the Irvings to serve their sentences at different times.[15]

In Massachusetts, a woman was recently granted a thirteen-day stay of sentence while awaiting a parole board ruling on a petition for commutation of her sentence for manslaughter. The appeal for clemency was based on the defendant's need to be in her home to care for her eleven-year-old daughter, who suffered from cystic fibrosis. The defendant declared that her sentence of up to five years in prison might hasten the death of her daughter, pointing out that cystic fibrosis is a terminal disease and that the separation would have terrible emotional and physical effects on the child. The parole board asked to meet with the child's physician to determine "how urgent is the child's daily attention from the mother in the mother's home and the likely impact of the mother's incarceration in various places and of options of care for the child for a long or short term."[16] The parole board denied the defendant's petition for commutation of her sentence, partly because it was concerned about setting a precedent for granting commutation before a convicted person had begun serving a sentence. Instead, the defendant was given an immediate furlough as soon as she entered custody and a few days later she was released from Correction Department custody and placed on parole.

This case is important in that the governor, the parole board and the commissioner of corrections in Massachusetts all agreed to a dramatic exception to usual correctional policies because of the unusual needs of a child. Unlike Colson or the Irvings, this defendant was not a public figure. But she was a white, suburban resident employed as a bookkeeper and she had private counsel. In addition, the tragic nature of her child's

[14] *New York Times*, Feb. 1, 1975, p. 41.
[15] *New York Times*, June 17, 1972, p. 34.
[16] *Boston Globe*, May 31, 1975, p. 3.

illness aroused public sympathy. It is too early to say whether this case will provide a useful precedent in the treatment of other offenders whose children have special needs.

INCARCERATION

Because proportionately far fewer women than men are sentenced to prison, the correctional system affords them fewer services and facilities. This situation creates additional hardships for the children of women prisoners. No state has more than one institution for women and eight states have none; thus, some women are sent far from their homes, making it difficult for them to maintain ties with their families and friends, to confer with their attorneys, and to gain access to the parole board. These problems are especially acute for women who are sent out of state.

Correctional institutions for women provide far fewer opportunities for education and vocational training than do male facilities. Institutions for men have an average of 10 vocational programs for inmates while those for women offer only 2.7. Male penal institutions also offer a much wider range of training programs and more opportunities for work in prison industries than do facilities for women. As a result, women are even less likely than men to be prepared for specific occupations when they leave prison.[17] Women who are mothers are unlikely to have any greater means of providing for their families' economic needs after they are released than before they were imprisoned. The prospects of receiving adequate preparation for economic independence are even worse for the high proportion of women sentenced to serve time in jails.

Mothers face a number of special problems during their incarceration, the most critical of these being the enforced separation from their children. Visits, phone calls, and letters help, but they cannot substitute for continuous, daily contact. Although more facilities are beginning to experiment with open or "contact" family visits in recreation rooms or in the mother's own room, many facilities still permit only visits across a table or through a glass partition or a screen. Visiting hours are generally quite restricted, and transportation of children presents a major problem because distance and costs are often great. One woman in a northeastern state said that she had been unable to see her three children, aged four, seven, and eleven, for one-and-one-half years because the children lived with an elderly grandmother 300 miles away. The grandmother was on welfare and could not afford public transportation. A friend might be willing to drive them if some provision could be made for an overnight

[17]Simon, *The Contemporary Woman and Crime*, pp. 71–76.

visit. But she could not ask anyone to drive twelve hours in one day with three young children for a two-hour visit.

Out-of-state incarcerations produce additional hardships. One woman serving time in New England wrote, "I would like a furlough to visit my daughter, but I can't have it because I'm from another state. I wouldn't need the furlough so badly if I were close enough so that she could visit me, but because of the distance there is no way I can get to see her regularly."

These problems are intensified if the children's caretakers are angry toward or disapproving of the mother or if they simply feel that children should not be exposed to prison conditions. Many of the foster care workers interviewed stated that they opposed bringing children to a prison; relatives and friends of offenders often express similar views.

Because of restrictive prison policies regarding inmate communications, as well as the attitudes of many of the children's caretakers, mothers in prison frequently find they are not provided adequate information about their children's development, school problems, or health needs. This leaves them unable to participate sufficiently in planning for their children. They are likely to feel anxious and guilty about what their children may be suffering because of their conduct; they also feel unfairly excluded from meeting parental responsibilities and even from comforting their children or offering them needed support. One mother in the Midwest who has five children, four of whom were voluntarily placed in foster care, wrote describing the difficulty of communications with her children:

> I write to them, but it's been five months since I've seen any of them because the social worker claims that I'm too far away to bring them to visit. The ones in foster care are having trouble adjusting and my twelve year old has run away twice. The foster parents of the two youngest write to me, but the other foster parents refuse. Furthermore, I've only had *one* letter during my entire incarceration from the social worker telling me how the children are doing.

The pregnant prisoner faces special problems: Proper diet and gynecological care are often not available, particularly in jails; pre-natal education or counseling is unusual; abortions are rarely available. The mother must decide what she will do when the baby is born—whether she will ask relatives or friends to provide care, place the baby in foster care, or surrender him for adoption. Generally, pregnant inmates are given little assistance in exploring placement options; nor is there normally any help in coping with the emotional trauma that may result from the separation of mother and baby immediately after birth.

Many women in prison fear they will lose their children, a feeling that is somewhat justified although permanent termination of parental rights is unlikely. (See below for a full discussion of this issue.) Ignorance of their rights and the absence of legal services to help them with child-related matters, as well as general uncertainty about their futures, combine to create a constant anxiety among inmate mothers as to what they can and should do about their children.

There are few special services of any kind for inmate mothers and their children. Approximately one thousand women in thirty-six correctional facilities responded to our questionnaire about the types of services they were receiving in prison to help them plan for their children's future. Almost 45 percent said they were receiving no services and an additional 5 percent gave no response to the question. Services cited most frequently were education, job training, counseling, and welfare, all of which may be helpful to the women but are not directly child related. Fewer than five women mentioned such family-oriented services as parent anonymous groups, child development classes, single-parent meetings, family planning, and child care; and only a slightly larger group mentioned family life education, home economics classes, or legal assistance.

As might be expected the correctional administrators in over twenty states who responded to questions about family-oriented services in their facilities gave a more positive response. For example, in addition to counseling and work-training programs, they emphasized increased opportunities for visiting, phone calls, leaves, and furloughs in order to maintain family ties; special programs such as pre-natal classes, family life education and parent discussion groups; and pre-release or transition programs designed to prepare women for re-entry into community life by a combination of semi-independent living, work release, and classes covering such topics as budgeting, health care, child care, family planning, and legal rights. However, most administrators acknowledged that these programs were very small and inadequate in relation to needs.[18]

DISCHARGE AND POST-RELEASE

Women have a slightly higher chance than do men of being paroled. Seven percent of offenders paroled in 1970 were women, whereas approximately 5 percent of all inmates in federal and state prisons were women. No figures are available concerning the larger number of women

[18]A few innovative service programs for inmate mothers and their children will be described later. Here we are presenting the usual experiences of mothers and children in the criminal justice system.

held in jails. The likelihood of parole is generally determined by the type of offense, prior record, behavior in prison, age, and history of drug and alcohol use.[19]

At the time of release, women are confronted with many problems that occur irrespective of whether they are paroled or serve their full term. Parole officers generally have very high caseloads and do not have the time or training necessary to offer more than limited services; their primary function is to monitor for subsequent misconduct, not to provide services to ex-offenders or their families. In the words of one former offender:

> You just come out BAMB! And you don't know how to deal with it. You don't have a family to go to half the time. You don't have a home or a job. All this time you've been fantasizing about the way things are and the way things are going to be when you really have no way of knowing how they are. You can imagine the shock. A lot of times the only thing left for a person to do is commit a new crime.
>
> Besides that, prisons really help produce crime. You take away any human being and put them out of contact and take away all their responsibility and you're denying them an opportunity to grow. So to expect a person to leave here being grown and responsible—you're making an impossible demand—because all her sense of responsibility and her ability to interact has been brutalized. . . .[20]

The need for economic independence is the first major difficulty confronted on release from prison. Women usually have no money (some states provide only bus fare, and over half provide less than $40 in cash), no place to live, no job, and no means of transportation.[21] Moreover, because of the dependency fostered by prison life, many women feel uncertain about their capacity to manage their own lives.

And there may be other barriers to women's plans to reunite with their children. Some mothers do not even know where their children are living. Relatives or friends caring for the children may have moved away and not informed the mother, or the persons caring for the children may be reluctant or may even refuse to return them.

The children themselves may not remember their mothers, or they may be angry and hurt because their mothers have been away. They may feel rejected because they believe that their mothers left them voluntari-

[19]Simon, *The Contemporary Woman and Crime*, pp. 77-83.

[20]"Marian" quoted in Kathryn Watterson Burkhart, *Women in Prison* (Garden City, N.Y.: Doubleday, 1973), pp. 398-99.

[21]Virginia A. McArthur, *From Convict to Citizen: Programs for the Woman Offender* (Washington, D.C.: District of Columbia Commission on the Status of Women, June 1974), p. 24.

ly. In some cases, children have had traumatic experiences while their mothers were incarcerated: They may have been stigmatized or been made the target of cruel teasing; they may have been unwanted or emotionally neglected by the substitute caretakers. Some children have developed school behavior problems or difficulties in relating to peers and adult authorities. Many times, mothers must handle highly tense situations with their children while they are trying to cope with all the other problems of the post-release period.

There are a few community service agencies that attempt to help former prison inmates and their families adjust to living in an environment frequently hostile to ex-offenders. Self-help organizations of ex-offenders, such as the Fortune Society, Connections, and the Barbwire Society offer supportive community and concrete services. The Fortune Society aims at motivating those recently released from prison to have positive attitudes that will help them adjust to society. In addition to offering personal, legal, and vocational counseling, it conducts a public education and information program and publishes *Fortune News*, which provides a forum for writings by prisoners and ex-convicts. Although this publication has a circulation of over 20,000, self-help organizations serve only a small proportion of ex-offenders. Their resources are limited and they tend to emphasize the needs of ex-offenders as individuals rather than as family members.

Several pre-release programs include follow-up services in the community; for example, the One America Key Program. During its first eighteen months of operation, the program worked with 200 women at the Federal Reformatory in Alderson, West Virginia, who would be returning to twenty-two localities after release. The project maintained a counseling staff at the institution that helped the inmates develop parole and post-release plans. In each of the twenty-two localities, a field staff coordinator recruited and supervised volunteers. Volunteer staff offered a variety of services, such as helping the women to find housing and child-care facilities, locating prospective employers, and maintaining contact with the participants' families. After release, volunteers and ex-offenders were expected to meet regularly.[22]

Unfortunately, there are few such publicly supported programs; these can serve only a small number of women and they seldom provide any special services for offenders' children. A number of volunteer and community groups run programs designed to help women during the post-discharge period, but these are generally very small programs and can help only a small proportion of the women in need. The absence of post-release services in the correctional system is one more factor that hinders good adjustment for mothers and children.

[22]Ibid., p. 17.

ROLE OF SOCIAL WELFARE AGENCIES

At this point, the reader may well be thinking, "It's true that the correctional system isn't doing much for children of offenders, but that's not their responsibility. What about social service agencies?" We were also interested in this question and therefore asked the correctional administrators in our national survey about their use of community agencies.

The responses indicate that correctional officials are forced to rely heavily on outside service agencies to provide needed services. In the words of one administrator:

> In the majority of cases, the institution makes referrals to other state and federal agencies to handle the problems the offenders are having with their children. The majority of referrals are to the health and welfare department. We as an agency cannot directly become involved in dealing with the offenders' children.

Six administrators in our survey specifically indicated that a lack of staff created problems. One remarked:

> We would like to be able to offer much more help than is now available but we have an extreme shortage of staff, especially in the treatment areas—two counselors who handle *all* inmate requests, work-release, correspondence and visiting requests, agency contacts, all inmate summaries, etc.—as against 45 correctional officers. Yet two counselors is all we are permitted in our manning table.

Another superintendent commented:

> There is an assumption that staff and corrections can do everything for people—they can be counselors and advisors, they can give practical advice on jobs and education. I do not believe this is so. There is a genuine need for certain kinds of specialists either at the facility or who can be tapped in the community.

At both New York City and New York State Correctional Institutions for Women, there are many outside groups which provide specialized—though fragmented and limited—services such as parents anonymous groups, drug programs, legal services, employment counseling, religious services and counseling, one-to-one visiting and tutoring, family counseling, and recreation. However, these programs are often offered haphazardly: There is no service coordination, women have inadequate information about the programs, and access is often limited because the programs are small.

Public Welfare System: At present, the only significant governmental resource for all families of offenders is the public welfare program. In response to our national survey, twenty-six administrators said that the department of public welfare (or its equivalent) in their states offered support and services to mothers and their children. Most viewed these departments as a source of financial assistance to the children and their caretakers. In addition, they were expected to serve other functions: placing children in foster homes, providing casework and medical services to children, and making referrals for specialized services. However, our limited data suggest that the majority of offenders' children are not even receiving financial aid from welfare, much less other supportive services. For example, women in four correctional facilities we surveyed were asked whether their children were receiving Aid to Families of Dependent Children (AFDC). In three of these institutions, less than one-third of the inmates' children were receiving AFDC, and in the fourth, the proportion was less than one-half. Yet, under federal law, unless there is a responsible father contributing or the mother has independent financial resources, all of these children would be entitled to AFDC payments by reason of their dependency.

Furthermore, few additional services are provided even to those children who receive AFDC. By law the public welfare department is required to investigate all nonrelative and relative placements beyond the second degree of kinship in which an application is made for public assistance. Few children of women prisoners are afforded such protection. Instead, public welfare workers generally confine their activities to checking monetary eligibility and ignore the need for referral for child welfare services. If the public assistance worker does take initiative and make a referral, there is little assurance that the child will actually receive the needed services.

Child Welfare System: In addition to providing public assistance, the public welfare agency in every state is mandated to provide child welfare services for all dependent children. In New York City as well as in other jurisdictions, the police department is required to report all dependent children of female offenders to the public department of child welfare. When such cases are reported, the policy of New York City Special Services for Children is as follows:

> In instances in which a mother is being arrested or incarcerated, we ask the police to explore with the mother whether she has a plan for her children. If she wishes her children to go to a relative or friend's home, we will assign the situation for a field study in order to assure that this is a

> good plan for her children. We use placement for children away from relatives, friends or their own homes only when their needs cannot be met in the community and therefore make every effort to cooperate with the mother and her plan. When removal is seen as in the best interest of the child, we continue to involve the mother.[23]

To discover what actually happens in these situations, we followed up all cases of women offenders' children who were referred to Emergency Children's Services in New York City in June and July of 1975. In general, we found that the child welfare workers do, in fact, make every effort to permit children to remain in or be returned to the homes of relatives or friends. Certainly, this is appropriate when requested by the mother or other relative and when the home is able to provide acceptable care. We saw little evidence, however, that the department makes any effort to provide supportive services to these children or to the families with whom they are living. Whether relatives or friends who provide care are informed of their rights to AFDC payments is also questionable.

One New York City official described the policy of Special Services for Children with regard to female offenders' children who remain in informal living arrangements:

> The family may need an ongoing, supportive relationship as well as financial aid in order to meet the additional stress of caring for a child during his parent's absence. The Special Services for Children worker must assess whether the family can understand and accept the supervision of an agency and whether the family should be encouraged to apply to become foster parents.[24]

Not a single mother interviewed at the New York City and New York State Correctional Institutions for Women indicated that the relatives caring for her children had requested or been encouraged to request foster home status. If these families had been approved as foster parents, not only would they receive approximately twice as much money per child as could be obtained through AFDC but they would also receive all the services to which foster parents and children are entitled—such as counseling, day care, and medical treatment. These services are often essential if children are to make a good adjustment. Very few of the children in New York City or in other locations were receiving such services.

In our follow-up of individual cases we noted several in which the children were given neither the support nor the counseling they obvious-

[23]Personal correspondence from Carol Parry, Assistant Administrator, New York City Special Services for Children, July 1, 1974.

[24]Ibid.

ly needed. For example, in one case the worker accepted the caretaker's view that it might upset the children to discuss what they had witnessed when their stepfather murdered their stepsiblings; yet good mental health practice would suggest that these children should have been given an opportunity to express their feelings when subjected to such a terrifying experience. Similarly, workers tended to accept the caretakers' decisions about whether children could visit their mothers; the workers did not explore this possibility with the children and their mothers and arrange transportation when appropriate. In no case did we observe any effort to help children cope with their feelings about their mother's incarceration and the enforced separation, despite the extensive child-development literature documenting the need for such intervention.

Far more serious problems often occur for children placed in the child welfare system. Mothers often experience difficulty in finding out where their children are when they are first placed; little effort is made to involve mothers in decisions about their children's lives or even to inform them about changes that will affect their children's lives. Such inattention works against children with good and bad parental relationships alike.

> We talked with an inmate from a rural area in the Northeast whose teenage son had been involved in some minor delinquent activities. Just prior to our visit the prison had granted her a furlough to talk with her son and see what was troubling him. She discovered that he was poorly treated in the foster home where he had been placed. The Welfare Department refused to arrange a transfer. Finally the woman arranged for her former husband to care for her son until she is released. She is worried about whether his father, an alcoholic, will provide adequate supervision, but the welfare department said they had no suitable placement alternatives. Although she has a good record and is due to be released in six months, the correctional department refuses to try to arrange an earlier release.

Statutes in five states (Arizona, California, Michigan, Rhode Island, and Wisconsin) cite parental imprisonment or conviction of a felony as grounds for termination of parental rights,[25] yet agencies very seldom choose this approach regardless of the prior mother-child relationship, the length of the mother's sentence, or the future prognosis. And when

[25]Eleven states also have "civil death" statutes which impose various disabilities on those convicted of a felony and/or sentenced to life imprisonment (Arizona, Idaho, Missouri, Montana, New York, Oklahoma, Rhode Island, Utah, Alaska, Hawaii, and Maine). In some locations, civil death removes the right of a parent to consent to the adoption of his/her child. However, these statutes are in a state of flux and case law has severely limited the meaning and use of many of them. Therefore, the language of the statutes is of limited validity in determining the degree to which these statutes may limit parental rights.

they do, judges are often reluctant to take any permanent action. The prevailing attitude is that nothing can or should be done about these children until their mothers are released. For example, we learned of one case in which the agency has been attempting for over four years to place the children for adoption, but there has still been no resolution of this case.

Similarly, child welfare workers seldom make any real effort to maintain contact with the mothers or to make any plans for the future until the mothers are released. In one case, the mother had escaped from prison, was missing for three months, and eventually died before the child's worker learned of her escape. This lack of contact between workers and mothers means that the children are left in a state of limbo during their mothers' imprisonment. The workers do not know enough about the situation to help the children understand the reasons for their mothers' absence or to prepare them for reunion.

Serious problems with the child welfare system also arise after inmate mothers are released from prison. An attorney with the Correctional Association in New York has pointed out that an agency ". . . can refuse to return a child for many reasons, none of which would be sufficient grounds for taking them away."[26] One child welfare administrator in New York City stated:

> There is a sticky, gray area which definitely can cause problems. We can't send kids who've grown accustomed to a clean, stable, spacious home environment into a welfare hotel. The natural mother must be able to show that she can care for her children in the manner they've grown accustomed to. If not, the children will act out against the home situation.[27]

This extreme position would not be shared by many child welfare administrators. However, administrative and judicial decisions about a mother's capacity to care for her children are made cautiously and are more likely to be negative when mothers have been incarcerated and children are "doing well" in foster care. Also, indefinite delays in reaching decisions on the return of children can have an adverse effect on both mothers and children.

Contributing to the uncertainty is the lack of specific judicial standards regarding parental fitness and the best interests of the child. Two recent cases in New York City illustrate the different standards that may be applied. In both cases an addict mother, who had been imprisoned and had left her child(ren) in foster care for several years, decided to enter a methadone program and seek the return of her child(ren). In the first

[26]Eve Preminger quoted by Lynn Davis, "Life in Frontera Prison," *Ms.* Magazine, February 1973, p. 61.

[27]Kronstadt, unpublished paper, p. 13.

case, the agency opposed the return and petitioned for termination of parental rights so the children could be placed for adoption, although they could not be adopted by the foster parents with whom they had been living. In the second case, the child was in the care of a different agency, which approved the mother's decision although the foster parents were anxious to adopt the child. The cases were heard by different family court judges and in each situation the judge supported the agency recommendations. The contrasting outcomes of these two cases may reflect very real differences in individual circumstances or may simply be the result of different judicial attitudes. But given the two different outcomes in such ostensibly similar situations, it is not difficult to understand why female prisoners who have placed their children in foster care are fearful about the possibility of not having their children returned to them. Certainly, the children of offenders involved in this type of litigation in many cases may feel torn between their loyalty to their mothers and their feelings for their substitute parents.

AN ALTERNATIVE APPROACH

At each stage in the process from arrest to release, responsible public officials in the criminal justice, correctional, and social welfare systems fail to consider the familial needs and responsibilities of women offenders. The longer and more deeply a woman is involved in the correctional process, the greater the risk of damage to the mother-child relationship. It does not have to be this way.

The Purdy Treatment Center for Women, the state correctional facility for women in Washington, has developed a philosophy and a program that recognize the importance of the family in the correctional process. The basic assumptions are as follows: (1) Since parenthood is a responsibility, not a privilege, mothers in a correctional setting should have the opportunity to fulfill their child-care responsibilities to the fullest extent possible. Although inmate mothers cannot take full responsibility for their children, they should not be deprived of responsibilities that are realistic in light of their incarceration, and they should be permitted to make decisions which affect their children's lives. (2) Since a major part of a woman's identity in this society is linked to her role as mother, wife, and lover, a rehabilitation program that ignores these familial roles is treating only part of a woman. (3) It is important for children to know where their mothers are and why they are there.[28]

[28]Dorene Buckles and Mary Ann La Fazia, "Child Care for Mothers in Prison," in *Social Work Practice and Social Justice*, Bernard Ross and Charles Shireman, eds. (New York: National Association of Social Workers, 1973), pp. 43–50.

A major portion of the program at Purdy was organized around these premises. For example, an innovative foster home program was developed in connection with the state child welfare department. Children are placed in foster homes close to the prison and the inmate mother participates in the selection of a particular home for her children. Foster mothers and natural mothers meet regularly to discuss the children's needs and progress; mothers are permitted to visit in the foster homes; and the mothers are expected to retain responsibility for authorizing medical care and making decisions for their children regarding transportation, vacations, schooling, and so forth.

In addition to this special foster home program, Purdy has made other provisions to encourage mothers to fulfill their parental responsibilities. Children are invited to visit in their mothers' rooms at any time during daylight hours; the prison social worker focuses much of her activity on child-related problems and acts as a family consultant to the prison staff; the educational facilities have a strong family life program; a paraprofessional worker from a local legal services organization is available weekly to provide and obtain legal services when necessary for inmates with family-related problems; and some of the women in the pre-release work training program live in an apartment complex outside the gates so that they can develop homemaking skills and have their children stay overnight, for a weekend, or longer.[29]

We discussed the problems of re-establishing a home for one's children with an inmate who was ready for discharge from Purdy. She commented:

> . . . I just decided yesterday that when I get out it is going to take at least a month to get Chris and Susie back. I was going to pick Susie up on Monday, but yesterday I decided I wouldn't have my head together enough. I trust my foster parents and the whole foster program enough that I am going to leave both kids there for a while when I get out so I can get adjusted and settled. Then I can say, okay, now I'm ready for them and now I can handle them. I think it is the best thing because I don't want to take the chance of getting them back and fouling up the same way and losing them. I'm going to make sure everything is ready and I can handle it.

Unfortunately, most mothers who are released from prison do not have the supports that were available to this woman. Recidivism figures suggest how difficult it is for ex-inmates to "handle it" and to maintain a home after release. A substantial proportion of women in prison today have been arrested while on probation or have been incarcerated before.

[29]Site visit, Purdy Treatment Center for Women, Gig Harbor, Wash., August 1974.

Reliable statistics on recidivism are notoriously hard to obtain; as Jessica Mitford has pointed out, "there are statistics to suit every taste."[30] Kathryn Burkhart has suggested that recidivism rates may be as high as 50 to 80 percent among women offenders.[31] There is also a strong and consistently positive relationship between parole success and the maintenance of strong family ties while in prison:

> The positive relationship between strength of social ties and success on parole has held up for 45 years of releases across very diverse offender populations and in different localities. It is doubtful if there is any other research finding in the field of corrections which can approximate this record.[32]

Despite this finding, our study suggests that prevailing policies and practices at every stage in the correctional process tend to undermine the maintenance of strong family ties. There are few services and resources available in the larger community to help children of women offenders cope with the traumas they may experience as a result of their mothers' arrest, detention, conviction, or incarceration. It is not surprising that a woman in a county jail on the West Coast wrote to us:

> Too many people walk out the gate with nothing and nobody and so go back to the streets and return to jail. Not enuf people give a damn.

[30]Jessica Mitford, *Kind and Unusual Punishment* (New York: Knopf, 1973), p. 222.

[31]Burkhart, *Women in Prison*, p. 399.

[32]Norman Holt and Donald Miller, *Explorations in Inmate-Family Relationships*, Research Report #46, Research Division, Department of Corrections, State of California, January 1972, p. 61.

2 / *What Maternal Incarceration Means to Children*

The shock of losing a parent to prison, the frustration of coping with an uncertain existence, and the bitter residue of forced separation are spelled out in the experience of one adolescent.

Angela Margaretti

The few people who have known Angela Margaretti all her life all agree that she has the same face now that she had when she was a few months old. The same enormous brown eyes, the same high cheekbones, the long lashes, the perfectly shaped ears. At twelve years of age she was growing up to be a beautiful woman. Even if the Margaretti family was on welfare and Angela's father Dante had disappeared a month before his daughter's fourth birthday, even if the school she attended was run down, even if she had to do without so many of the things that children her age took for granted, she was a child to be envied.

I came to know the Margaretti family in 1970. Mrs. Anna Margaretti, Angela's mother, had just recovered from an accident—a boy on a bicycle had sped around a corner and hit her head-on, knocking her into a traffic light. We began conversing at the hospital, and when she left, I promised

her I'd visit her at home as well. A pleasant woman who seemed to vacillate between periods of wanting to talk and periods when she barely spoke with anyone, Anna Margaretti never disclosed to me anything about the way she led her life, or had led her life for the past ten years. All I knew is that she worked somewhere in the evenings, slept late in the mornings, and usually was away from the house in the afternoons when her daughter arrived home from school.

With her mother away so often, it was only natural that Angela Margaretti learned the value of self-sufficiency early. She was used to going to sleep in an empty apartment, fixing dinner and breakfast for herself, and cleaning the two-and-one-half rooms she shared with her mother. She was also reconciled to the fact that there was rarely food in the house and never enough money to buy clothes and other things she might have wanted. But as she always told me, "You get used to all this. It doesn't make one special. I don't want people to feel sorry for me. You may not like everything you have to do, but if you have to do it, you do it. Simple, right?"

In April of 1972, Angela Margaretti called me to say that her mother had been picked up by the police.

"What's the charge?" I asked.

"I don't know." Angela was crying. "Someone said something about a woman being killed. Maybe drugs. Can you come over?"

When I got to the Margaretti's apartment, Angela was not there. She left a note saying she had gone to the jail where they were keeping her mother and that she would return. I waited a while and then decided to leave. As I drove off, I saw Angela running down the street, obviously hurrying to catch me. Although it was chilly that day, she wore only a blouse, a skirt, and sandals. Her look was one of desperation.

"It's drugs," she whispered, out of breath from having run all the way from the precinct office where her mother had been booked. "She's involved in selling drugs. I don't know the whole story. Something about someone who got angry at this guy my mother's been seeing and told the police. He's supposed to get off because he confessed. I don't know." She was shivering and perspiring at the same time. "I'm going to have a mother in prison," she wept as I led her up the apartment house stairs. "What will happen? What will happen? I'm a child. That's all I am. Everyone thinks I'm so strong 'cause I don't need them, 'cause I cook and take care of everything. But I'm a baby. I'm just like a newborn baby except now I don't have any parents. I don't have anybody."

"I'm a baby," she repeated over and over again. "Can't they let my mother out because she has to take care of me? You could tell them I'm a baby, they'd never have to find out. They'd believe *you*. You could tell them I'm sick, like a cripple. Tell them I can't be left alone. Someone has to feed me. They know we don't have a lot of money. All they have to do is come here and they can see that. We could rent a wheelchair and when they come I'll sit in it with a blanket on me. Tell them. Tell them I can't be

alone. I've never been alone. Who's going to live with me and take care of me? It isn't fair that they put her in jail if she's a mother. Mothers can't go to jail. They're supposed to take care of their children. I don't even have brothers and sisters. I'm alone. They can see that. You can tell them. Like, no one's ever here in this apartment building, right? So if there's a fire or something I could die, and because they had my mother in jail they'd be responsible, right? Wouldn't they be responsible? It's not my fault there weren't grownups here. They're the ones who took her away. MOTHER!" She screamed out loudly. "MOTHER! What are we going to do? How am I going to live? I don't even know if I can see her. She could be a million miles from here for all I know. Oh God. I don't even know where my own mother is. MOTHER!" She called out again. "You're going to have to do something." Angela looked at me. Her face was wet with tears and she kept pushing back her hair with her hand. "You have to get her out. And if you can't then you got to get me in there to see her. I'm not staying here alone. I'm getting out of here the second you leave. I'm not staying. I want to be where she is. I'm really not staying. You think I am. Just 'cause I stayed here all those nights when she was out working. But that was different. I'm not staying anymore. At least then I knew when she was coming back. But I'm not staying alone. I'm a *baby*. They have to take care of me. If they can't, they have to let my mother out. MOTHER!"

In the following weeks the legal case against Anna Margaretti became clearer. She and two men had been involved with the importing and sale of cocaine and heroin.

Angela went to her mother's trial but found the ordeal too painful. After sitting in court for the first day's session she decided not to return. She waited in the larger hall outside the courtroom the morning her mother was sentenced. By the time she learned what had happened, her mother had already been led out of the courtroom through a side door. They did not see each other until later that night at the jail. The next day the mother was taken to the prison where she had been sentenced for a minimum of two years.

During the first six months of her mother's imprisonment, Angela lived in the home of a cousin. The Passows insisted that she come home with them. The location of their apartment was ideal, they said, only blocks from Angela's school. Everyone thought it was a good idea. After six months, however, Angela sought housing elsewhere. The Passows, she claimed, were too cruel to one another and to their own children, although never to her.

At the end of the school year, Angela moved into the home of another family, the Bucconis, who, while they were not related to the Margarettis, seemed as close as family. The atmosphere in this home was more pleasant, although Cesar Bucconi made constant reference to Anna's trial and prison sentence. He demanded to know what Angela spoke about with her mother on her visits to the prison, something which made Angela feel uncomfortable. Fortunately, Maria Bucconi, a woman in her late forties who

had worked for years as a hospital technician, remonstrated with her husband, reminding him again and again that what went on between Angela and her mother was nobody's business.

Indeed, what transpired in the conversations between Angela and her mother was known to no one. My own visits with Angela continued almost weekly for the entire period of her mother's imprisonment. I frequently drove her to the prison, waited for her to come out, and drove her back to the Bucconis. Not until a month before her mother's release did she ever reveal her feelings about her mother's circumstances. Usually she would descend the front stairs of the prison, enter my car and begin to speak about something we both knew was insignificant.

On one of her last visits to the prison before her mother's release, fourteen-year-old Angela Margaretti spoke briefly about what she had been carrying in her heart over the last two years. After thanking me for the rides to the prison, she insisted that she wanted to pick up her mother without me. For the final trip she preferred to take the bus. It had to be a day for the two of them to be alone, she said.

"I don't know whether I've been dreaming of this day. Maybe I have. I don't think anybody thinks about any one thing *all* of the time. But I sure am glad it's over. I didn't think the time would ever pass. I'm proud of my mother. She's changed in these two years, you know. I guess she's learned her lesson. Some people in my school heard something about her. They didn't know what had happened. In the beginning I told some of the kids my mother died. Then later I changed my story. I told them she went away. 'I thought you said she died,' they said. 'I never said that.' 'Yes, you did,' they said. I was ashamed of her then. I hated her for being in prison. I hated me and everybody. I even started hating my father all over again and I sure thought I was done with him, in my mind I mean.

"Sometimes you don't know what to feel about a mother like the one I have. First you hate her, then you love her. Then you tell yourself you have to decide which one it is. It's not easy, you know. I was ashamed to be her daughter, like I said. Some kids say their mother does this or that but I have to say my mother's a convict. I couldn't even use the excuse that she was innocent, 'cause she told me she wasn't She admitted everything they said she did. I think that was good for her to do. But like, I had no mother for two years. You have to think about my side of the picture too. I've never really had a father and now for two years I didn't have a mother either.

"I don't want this to sound like everything's wonderful again, though. It was never wonderful with her, and I can't imagine that it will be wonderful with her again. I'm sure it will be a lot like it was. She's not going to stay home. But I'm a lot older now, or at least I feel I am. It's only been two years. We'll be together and see how it goes. If it works out, fine. If it doesn't, we'll split up. We decided that. I'll go back with Maria and her nosy husband and Mom will have to make it alone. Maybe someday we'll be having our regular weekly meetings at a restaurant somewhere.

Or a bar more likely. Or maybe she'll end up back in jail. Or maybe I'll end up in jail. If she ends up in there again though, I'm not going to visit her. I've done my time with her. I'll pull a Dante Margaretti on her and split for good. Then she can go to hell for all I care. Once in prison is enough. It's once too many for that matter! I don't have to suffer any more. Nobody's going to make me suffer any more.

"I'll be gentle with her. I'll be the best I can. I've promised myself that. But if she messes up with me I'm getting out. No more feeling proud when there's no reason for it. And no more hoping she'll be good. If she isn't good now then it's too late. I'll be gone for good, which would be hard I know, 'cause I'm sure way down inside I love her a lot, you know. She's my mother. In the prison or out of it, she's my mother. And you can love someone and hate someone at the same time, if they give you reason to love them and hate them. And she does. She isn't the easiest person in the world.

"Okay, so next time, I'll pick her up and take the bus. I want it just the two of us. She can have all the boy friends she wants, but if she messes up this time, then she can just do it all by her little self. I'm not young anymore. When your mother goes to prison, you get real old real quick. Believe me you do. I'm not saying I'm smarter than anyone else, or that I got any smarter just because she's been away. But I'm older than anybody in my school. I'll tell you that for sure. I'm the oldest person there is!"[1]

Angela's story reveals what imprisonment of mothers can mean to children: the terror, confusion, and loneliness they experience when their mothers are first arrested; the lack of information and contact with their mothers; the frequent moves from one home to another; the long trips to prison; the inevitable strains on the mother-child relationship; the curiosity and taunting of classmates, and the overriding anxiety and fear they have about the future.

Angela's story also illustrates the pervasive lack of responsibility displayed by courts, lawyers, correctional officials, and community agencies for children of women prisoners. As soon as her mother was arrested, Angela realized that she should not be left alone, that she needed someone to care for her. But public officials provided no help and left this twelve-year-old child to muddle through on her own.

Angela had the strengths and resources needed to survive, but not all such children are so fortunate. Young children, children placed with less adequate caretakers, children whose mothers have not been loving, and children with fewer inner strengths are likely to suffer because of their mothers' incarceration even more than Angela did. What happens to the individual child is determined by many factors: age, personality, prior

[1]Thomas Cottle, case study for Children's Defense Fund project, 1974.

relationship with the mother, adequacy of the substitute care, and amount of support given as the child tries to understand and live with his feelings.

To explore the consequences of maternal incarceration for children, we present below a series of actual case vignettes about women prisoners and their children.[2] No case description can ever capture the total reality for a child whose parent is imprisoned, and no two children's experiences are the same. However, these are real children and mothers, and their stories may tell us a great deal.

INFANTS AND PRE-SCHOOL CHILDREN

The newborn infant must rely on those around him to meet his every need. He requires continuous and loving care to develop physically, emotionally, and intellectually, and maximum growth depends on the presence of a caretaker who knows and responds to the infant's needs consistently. The basic trust in the environment which must be learned during the first year can only develop if the infant has a secure, continuous relationship with one person. It is possible for a caring mother substitute to provide the care a young infant needs. But there is strong evidence to suggest that "if he is cared for by a number of mother substitutes and does not have a continuing, close relationship with one 'mother person,' he is likely to develop later problems in his ability to relate to people."[3]

Because of the inherent dependency of infants and young children and their need to develop attachments and to receive consistent, individualized attention, infants who are separated from their mothers or primary caretakers during this period may be severely traumatized.[4]

Lisa

In Lisa's case the disregard of these dangers by the welfare department was obvious and the consequences for Lisa immediate. Since Lisa's mother had essentially abandoned her older child, her behavior in this situation could have been anticipated, yet the responsible public officials

[2]In order to preserve confidentiality, names, dates, places, family composition and other contextual data have been altered slightly but the experiences themselves are true and describe what actually happened to children whose stories we learned.

[3]Joint Commission on Mental Health of Children, *Crises in Child Mental Health: Challenges for the 1970's* (New York: Harper & Row, 1969), p. 316.

[4]Joseph Goldstein, Anna Freud, and Alfred Solnit, *Beyond the Best Interests of the Child* (New York: Free Press, 1973), pp. 32–33.

made no effort to protect Lisa's welfare. Her case illustrates the need for follow-up on children after the parent is released from prison.

Lisa was born two weeks after her mother was paroled from prison. No provision had been made in prison to help her mother plan for her care. Her mother was young, uneducated, and had no job skills. She also had no family to help her with Lisa's care.

The mother managed to provide for Lisa for the first two months. She found an apartment, poorly furnished and in a bad neighborhood, but sufficient to meet their needs temporarily. She also applied for and received welfare. Then one day Lisa's mother left her in the care of an elderly neighbor and disappeared. The rumor was that she was wanted for a parole violation and had left town, but no one knew for certain.

A neighborhood family service worker who had known Lisa's mother was especially concerned because she knew that Lisa's mother had another child, Johnny, aged four, who was born while she was in prison the first time and had been placed in foster care immediately after birth. Lisa's mother had never contacted the agency or gone to visit Johnny since that time. The worker discovered that the neighbor tending for Lisa had ten unrelated young children in her home. Several, like Lisa, were still infants.

The apartment, located on the top floor of a tenement building, was small, crowded, and dirty. The older children were playing on the floor and the infants were lying in cribs. Their bottles were propped up and covered with flies. The beds and the floor were infested with cockroaches. The health hazard was enormous, and the children were receiving no medical attention.

The old woman seemed genuinely caring about the children and did not intend to neglect them, but she had obviously undertaken responsibility far beyond her capacity and all the children were in jeopardy. She was on welfare herself and was caring for a grown asthmatic daughter. She moved haltingly and could not maneuver the stairs of her building, so the children were never taken outside. Aside from the welfare income, she occasionally received small sums from some of the mothers, but for the most part the children were left without any support. In several cases such as Lisa's, they were simply abandoned.

The neighborhood worker contacted the welfare department and spoke with the woman's social worker. To her dismay, the social worker said the child had a decent place to live; furthermore, since Lisa's arrival, the asthmatic daughter's health had improved, so it would be detrimental to move Lisa. Because the old woman had said she would be able to manage better if she had more income and some help in arranging transportation and medical check-ups for the children, the neighborhood worker asked what could be done about this. She was told that help of this kind was out of the question because these children were not related to the woman.

The worker then turned to the department of child welfare for help in finding an alternative placement, but the department required a full in-

vestigation first. Fearing that this would take too long, she telephoned the agency caring for Lisa's brother and said she was arriving that afternoon with the baby. The agency protested, but the worker pointed out the agency's responsibility to this family and insisted that bureaucratic details must be worked out later.

Two months later the worker went to see Lisa at the agency. She learned that Lisa had in fact suffered developmental impairment and was being examined for possible brain damage. But Lisa was now receiving good care and proper medical attention. The mother still had not contacted the old woman or the agency, and it seemed probable that Lisa, like Johnny, would grow up in foster care.

Abby

Abby and her mother could also have profited from pre-release preparation and services after incarceration.

One-year-old Abby was born while her mother was incarcerated. She was placed in a special foster home near the prison where her mother was permitted to visit twice a week. The mother was released from prison when Abby was ten months old, and she immediately took Abby home with her. At that time, Abby appeared to be a healthy, rather contented child who took a lively interest in everything and was standing and taking a few steps.

Abby's mother found a job and an apartment almost immediately. She had hoped that her relatives would be willing to care for Abby, but they refused. While they agreed to help out they did not want to be committed to providing full-time care. The mother tried to make other arrangements for Abby, but this was difficult because she worked irregular hours. Consequently, Abby was moved around constantly. She often stayed with her grandparents, sometimes she stayed with one of her aunts, and at other times one of her mother's friends cared for her. And, when her mother was free, she would take Abby home.

After two months, Abby's mother got an opportunity for the type of job she wanted, but it was located out of the state where she and her family lived. She called the previous foster mother and asked if she would take Abby back for a few months until the mother could establish a real home for the child. The foster mother was very upset when she heard what kind of care Abby had been receiving and agreed to take her back on an informal basis, knowing that she was violating agency policy in doing so.

When Abby arrived, the foster mother knew she had made the right decision. The infant cried constantly for attention, made little effort to crawl and no attempt to stand or walk. She would calm down when held, but otherwise made little response to stimulation. At first the foster mother thought Abby had developed a rash because her head was covered

with sores; finally she realized that the child was causing these herself by digging at her scalp.

We visited Abby a week after she was returned to the foster home. At that time, the foster mother said she felt Abby was responding slightly better. She was not crying as much, the sores on her head were improving, and she was beginning to reach out for objects and crawl again. The mother believed that within a month Abby would be at the same point as when she had left the foster home originally. With a better start, perhaps Abby would not regress as much when she returned home this time. But the foster mother wondered how much her care for the babies would mean if their permanent homes did not provide proper care or supervision.

Both Abby and Bobby (see below) had mothers who were able to provide some mothering and families willing to provide minimal help and support. Yet both were shunted from one caretaker to another. Abby showed the immediate effects of what was probably a precipitous removal from her foster mother, inconsistent care, and certainly neglect, if not abuse, from some of her caretakers. This situation might not have occurred if her mother had been helped to make appropriate plans for Abby during and after incarceration. If this mother had been permitted to live in the foster home with her daughter until she was confident about her ability to care for the child properly and had secured a suitable job and apartment, she might have been able to become a good mother. Instead, she was given no help and Abby was given no protection.

Bobby

In Bobby's case, several unnecessary moves resulted from disagreement and misunderstanding between his relatives as well as from bureaucratic conflict.

The welfare department first dictated that the mother have her own apartment to qualify for monetary aid and then required that she live with her own mother in order to have Bobby discharged to her care.

Bobby lived with his mother and grandmother until he was five months old. At that time, his mother found her own apartment because the welfare department would not provide full assistance as long as she and Bobby lived with her mother.

Six months passed and then Bobby's mother was arrested for robbery. His grandmother cared for him for three days but then placed him in an emergency shelter because she was sick and could not manage an active youngster. Two months later, Bobby's mother was released on bail, but by this time Bobby had been transferred to a regular foster home. The agency was reluctant to release Bobby since his mother did not want to live with her mother again, had no suitable alternative plan, and might be sentenced to prison after her trial.

After three months, while still awaiting trial, his mother said she had decided to stay with her mother and arranged to have Bobby discharged to her on Christmas Eve. A few days later, when the worker from the agency called to see how Bobby was getting along, his grandmother said that his mother had disappeared with him over the weekend. Two weeks later, Bobby's aunt called the agency, saying that his mother had left the child at her house in the middle of the night and asked her to arrange for him to go back into foster care because she was leaving the country. His aunt explained that she would like to keep him but had just been released from a drug program, had two children of her own, and felt she should wait at least six months before taking on any additional responsibilities. The following day, she called back and said she had changed her mind. Two weeks later she telephoned to say that Bobby's mother had reappeared and taken him with her the previous day.

Bobby and his mother disappeared again for ten days. Then, another of Bobby's aunts called to say that his mother had left him at her apartment the previous week. The aunt was angry at Bobby's mother for dumping him and wanted the agency to make arrangements to place Bobby immediately. Bobby, now one and one-half, was replaced in his former foster home, where he again made a good adjustment.

Shortly after this, Bobby's mother was picked up again and sent to a detention facility to await trial. She was furious that her sister had made arrangements for Bobby to go back into foster care and demanded that he be released to his grandmother immediately. She knew that she would be in prison for at least nine months, but claimed the grandmother's health had improved so she would be able to care for Bobby. The agency refused to consider another move until after the mother's trial, because the family situation still seemed very unsettled. A month later Bobby's mother was sentenced to three years in the state prison. At that point, she reactivated her request to have the child discharged to her mother and asked that she be permitted to visit with him. Since Bobby was making good progress in the foster home, the agency was very reluctant to discharge him. The worker also refused to take Bobby to visit his mother in prison, saying that if he were discharged to his grandmother, his family could arrange a visit for him.

During the next three months, the agency worker continued to visit with Bobby's mother and grandmother. After his mother's initial upset and depression at the thought of spending a possible three years in prison, she began to make constructive plans about how she would use this time for education and work training. She continued to request that Bobby be discharged to her mother. The grandmother also expressed a strong desire to take Bobby; she explained that her health had improved and she had moved to a larger apartment near one of the other daughters in order to have room for Bobby and support should she need it. She was certain that she would now be able to provide a good home for the child. She also decided that she wanted legal custody to insure that Bobby's mother could not move him again abruptly.

> Since her daughter was now drug free and would have time and opportunity in prison to prepare herself for resuming the child's care, the grandmother hoped that eventually her daughter would be able to be a good mother to Bobby. However, at this point she felt she had to take legal responsibility for him. Because of the improved family situation, the agency decided Bobby could be discharged to his grandmother.

Certainly Bobby's migration from house to house might have been avoided if his mother had been helped to make an appropriate plan for him when she was first arrested. The fact that her relatives later demonstrated such concern for Bobby suggests that they might well have been contacted much earlier.

Recent research has demonstrated that the negative effects of separation are minimized when the separation is brief; when the child is permitted to retain some contact with his primary caretaker, so that the loss is not perceived as total; when he is able to remain in a familiar environment; and when he has had some prior relationship with his new caretaker or has a familiar person in his new environment, for example, a sibling or a friend.[5] Certainly, no attempt was made to minimize the effects of repeated separation for either Abby or Bobby; the policies and procedures followed in these cases violated what is known to be essential for healthy child development.

SCHOOL-AGE CHILDREN

Healthy children between the age of six and pre-adolescence are expected to have achieved substantial independence and stability. The early school years are often described as a less stressful and critical period than those of pre-school or adolescence. Yet children of this age are still in the process of development and are highly impressionable. One of a child's major needs during this period is to develop a sense of being a member of his community. At this age children must develop mastery and competency in their capacity to cope with the world around them. They should also develop an ability to give and receive love and to display some awareness of their sexual identities. Only if the child's experiences in his home and community enforce his sense of self-worth and independence is this possible.[6]

Separation from a parent figure has different implications for children of this age than for younger children; it can have serious consequences:

[5]Michael Rutter, *Maternal Deprivation Reassessed* (Baltimore, Md.: Penguin, 1972).

[6]Joint Commission, *Crises in Child Mental Health*, pp. 330–42.

For school-age children, the breaks in their relationships with their psychological parents affect above all those achievements which are based on identification with the parents' demands, prohibitions and social ideals. Such identifications develop only where attachments are stable and tend to be abandoned by the child if he feels abandoned by the adults in question. Thus, where children are made to wander from one environment to another, they may cease to identify with any set of substitute parents. Resentment toward the adults who have disappointed them in the past makes them adopt the attitude of not caring for anybody; or of making the new parent the scapegoat for the shortcomings of the former one. In any case, multiple placement at these ages puts many children beyond the reach of educational influence, and becomes the direct cause of behavior which the schools experience as disrupting and the courts label as dissocial, delinquent, or even criminal.[7]

Cindy

Cindy's story illustrates the need for concern when a mother is incarcerated even when the child is placed with a relative. Instead of being encouraged to enjoy a strong identification with her family or peers, Cindy was told she had "bad blood" and was different from the relatives who were caring for her, that the youngsters she met at school and in her neighborhood would have an evil influence on her, and that she could not be trusted.

Cindy was six years old when she went to live with her aunt after her mother was incarcerated for killing her father. The aunt detested Cindy's mother who had killed her brother. Nevertheless, she took Cindy into her home in order, as she expressed it, to make sure that Cindy was brought up "right" and wouldn't follow in her mother's footsteps.

The aunt complained constantly about her tremendous responsibility for keeping Cindy from going "bad." When Cindy was present, she often spoke bitterly about Cindy's mother and about all she was doing for Cindy. She repeatedly asked Cindy if what she said wasn't true; each time, Cindy obediently replied, "Yes ma'am."

The atmosphere in this home was uncomfortably stiff and formal. Each time Cindy wanted to play with a toy, it had to be brought down from a closet shelf and unwrapped from its plastic covering. Few of the toys showed any signs of use. The aunt refused to allow Cindy to associate with children from her school or neighborhood. She was only permitted to meet "nice" people from the church. Thus, for three years Cindy was deprived of play with friends her own age.

[7]Goldstein, Freud, and Solnit, *Beyond the Best Interests of the Child*, pp. 33–34.

When Cindy's mother was eventually released from prison the aunt vehemently refused to return Cindy to her mother, saying Cindy had to be protected from the mother's "bad blood." Since the aunt did not have legal custody, she knew she could not retain Cindy against the mother's will. Instead she threatened to watch her sister-in-law's every move and report her to the police or the department of child welfare if she did anything of which the aunt disapproved. Finally, Cindy's mother agreed to send Cindy to the South to live with her paternal grandmother.

To Cindy, this meant that neither her mother nor her aunt wanted her. This time she was moved to live with an elderly woman whom she did not know—a woman who was also convinced that Cindy had "bad blood."

Joanne

When her mother was imprisoned, Joanne went to a grandfather who loved her deeply. She felt a strong sense of belonging to his family and knew that she was wanted. However, she was not allowed to communicate with her mother in prison and was forced to take sides against her mother. More fortunate than other children because she was not moved, she was hurt by the denial of communication with her mother.

Joanne was eleven years old when her mother was imprisoned on a drug and robbery charge. While her mother awaited sentencing, Joanne was sent to live with her grandfather. Her mother was initially pleased with this arrangement, but began to worry because while she knew that her father cared very deeply about Joanne, he had started to drink heavily after the death of his wife. Although the mother asked repeatedly, he never came to visit her in prison or wrote her anything about Joanne. Finally she asked the prison liaison worker to investigate the situation.

When the worker arrived she found the house to be somewhat untidy, but clean. Joanne did not seem to lack care. She displayed a great deal of affection for her grandfather and was doing well in school. She knew where her mother was and missed her, but she also said that she was happy with her grandfather and wanted to stay with him.

The worker also learned that Joanne's mother was not the only member of the family in trouble. Two brothers were also in prison and a third was a member of a gang that was frequently in trouble with the law. Still, the grandfather seemed to be managing the home well and had the assistance of a homemaker.

Joanne's mother, however, continued to hear complaints from relatives and friends about her father's drinking. Also, a neighbor told her that her father had molested Joanne and that the woman living in the house was his girl friend.

Finally, the mother asked a friend to take Joanne. She signed papers giving temporary custody to this woman; the woman, in turn, went to court to seek legal custody. The grandfather and Joanne were both distraught

when they learned of this. When they eventually went to court, the woman failed to show up so the grandfather was permitted to retain custody.

Some time later, on an open-visit day at the prison, Joanne and her grandfather went to see the mother. The grandfather then admitted that he had not written or answered any letters because he could not read or write. He had been very upset after his wife's death and had started drinking heavily, but he thought this was now under control and certainly he had never done anything to harm Joanne. The mother was able to relax, and she concluded that the gossip she had heard was unfounded. If she had only been able to make a visit home, she would have been able to reassure herself about Joanne's living situation without putting both her child and her father through the unnecessary court ordeal. She felt very guilty about the pain and worry she had caused them, but she had only been trying to protect her daughter.

Jimmy and Danny

Jimmy and Danny's experience was not unusual. They at first lived with their grandmother when their mother was imprisoned. They functioned well there and asked desperately to be allowed to remain with their grandmother. Yet, as soon as they began to feel secure in that home, they were taken out and moved from one foster home to another. They learned only that they were helpless to influence their fate and that it was risky to become too attached to any one person. Knowing their mother was imprisoned made them feel ashamed of her, and they isolated themselves in school so they would not have to answer questions. Such children often become isolated and blame themselves rather than the lack of support and community services which could have enabled their grandmother to keep them.

Jimmy and Danny, aged nine and ten, went to live with their grandmother after their mother was sent to prison on a drug charge. The boys were very aware of their mother's problems. They had seen her shoot up frequently and had often been sent to the pushers to pick up her drugs. After their mother was sent to prison, they would not reveal to anyone where she was. When their teachers asked for her to come to school, they brought back messages saying that she was unable to come, but that perhaps their grandmother could come when she was free.

However, the grandmother was not free. She had taken the boys because no other arrangements had been made, but she wanted them to be placed in a foster home. She had to work and could not keep asking her neighbors to look in on them. The grandmother was also eager to have them far away from their mother.

The boys, however, became quite self-sufficient and wanted to remain

with their grandmother. They took care of themselves remarkably well and seemed to have a good understanding of what was expected from them. They believed that somehow if they could only behave "better," their grandmother might change her mind and allow them to stay. They realized that they were a burden to their grandmother, yet they were receiving the attention from her that had been totally missing from their mother, and they did not want to let go of it. But the boys had no choice. The grandmother felt they were too young to be left alone during the day—she had to work and there was no money to hire babysitters. Eventually, Jimmy and Danny were placed in a foster home.

ADOLESCENTS

Adolescence is divided into two major periods:

> In early adolescence, the young person is largely preoccupied with the issues of emancipation, independence, and freedom from the family. In later adolescence there is a growing concern with questions about the future, and a further development of a sense of social role and personal purpose.[8]

Major growth and change occur during adolescence—physical and emotional maturation and change in social relations. Erikson has suggested that the adolescent's central task is to gain independence from his family and establish a firm sense of his own identity. This entails:

> . . . the integration of emerging intellectual abilities and potentials into actual lived life; the integration within the self of new values, ethics, and purposes; and the developed capacity to live with one's own sexual, aggressive, and other instinctual drives.[9]

Certainly, these goals are difficult for any youngster to achieve, even if he enjoys continued support and acceptance from his family, peers, and the larger community. Adolescents without these supports often respond to these new stresses with deviant behavior. Those youngsters who are separated from their parents during this critical period are likely to have an extremely difficult time establishing a healthy sense of their own identity. Joseph Goldstein, Anna Freud, and Alfred Solnit point out:

> With *adolescents*, the superficial observation of their behavior may convey the idea that what they desire is discontinuation of parental relation-

[8]Joint Commission, *Crises in Child Mental Health*, p. 358.
[9]Ibid., p. 355.

> ships rather than their preservation and stability. Nevertheless, this impression is misleading in this simple form. It is true that their revolt against any parental authority is normal developmentally since it is the adolescent's way toward establishing his own independent adult identity. But for a successful outcome it is important that the breaks and disruptions of attachment should come exclusively from his side and not be imposed on him by any form of abandonment or rejection on the psychological parents' part.[10]

When we compare the developmental needs of youngsters in this age group with what has happened to some of the youngsters in the cases presented below, we can see how difficulties encountered by female offenders' children are magnified. The major themes which seem to run through all of these adolescents' stories are uncertainty about how much adult responsibility they should assume, unrealistic expectations of their mothers, adjustment problems in their current living situations, and a general sense of frustration and failure.

Beth

> Beth, a twelve-year-old youngster, was placed in a foster home one year ago, after her mother was convicted of possessing stolen property. A week before sentencing, the mother took Beth to stay with her grandmother, assuming that Beth would remain there. About a week later, a worker from the welfare department arrived at Beth's school and removed her to a foster home. Neither the mother nor the grandmother was consulted. The welfare department's position was that since Beth had been in foster care briefly some two years earlier, the department still had custody. The welfare department did not believe that Beth's grandmother could provide a suitable home.
>
> In Beth's words, "When my mother was arrested . . . they just came in and took her away. . . . I was at school, but my grandmother guessed what had happened. Then my mother called after a few days. A week later the welfare worker just came to school and told me I was going to the home."
>
> Beth says that the home hasn't been as bad as she thought it would be. However, her foster mother feels that the child has had a very difficult time adjusting to the placement. When she first arrived, she was very anxious to please, but she was frequently moody and hurt herself in temper by banging her head against the wall. Midway through the school year, as she seemed to become more comfortable in the home, she began to have difficulty in school, refusing to do her homework, acting up in class with other students. The foster parents met with the school staff but nobody seemed able to reach the child. Finally, in March, after a fight with another

[10]Goldstein, Freud, and Solnit, *Beyond the Best Interests of the Child*, p. 34.

student, Beth was suspended. At that point, the agency supervising the placement decided Beth should be sent to the girls' detention center for a week—the child was starting to behave like her mother and would have to learn some limits.

In discussing the suspension, however, Beth explains that the kids in school often teased her about her mother and that one girl, with whom she had all the fights, kept calling her mother a jailbird. Since she returned from the detention center, the kids have left her alone.

Beth says that she doesn't have anyone with whom she can discuss her worries. Her foster parents are all right, but they are very strict and don't talk too much. And although she now has a boy friend and a best friend in school, she isn't allowed to see them much and couldn't talk to them anyway. Therefore, she just keeps things to herself.

When asked what was going to happen after her mother was released from prison, Beth put her head down and said, "I don't know. It's kind of scary. I want us to live together, but . . ."

Beth's experience repeats some of the themes so marked in the lives of these children. When arrested, Beth's mother made arrangements for the child. Without consultation, the welfare agency made other plans. Without any preparation by the child welfare worker, the girl was abruptly moved from a grandmother to strangers. Beth also makes clear in her own words the shame and stigma experienced by youngsters of this age. Her problems in school seemed closely related to her peers' taunts and teasing. Finally, and perhaps most poignantly, Beth speaks with the same mixture of yearning, loneliness, and anxiety as did Angela Margaretti of her uncertainty about the future.

Eddie

Eddie was one of seven children who went to live with his aunt after both parents were incarcerated on a homicide charge. The family had been living in a welfare hotel at the time of the incident, and all the children witnessed the killing. It was never clear if both parents were actually responsible, but they preferred to go to prison together, thereby reducing their sentences to seven and one-half years each rather than having one serve for fifteen years.

At first, everything was all right at the aunt's home, but soon Eddie, who was fourteen, began to have trouble at school. He joined a gang well known to the police and the people in the neighborhood for its destructive and dangerous activities. Eddie's role in this gang was to be the rumble announcer. He would go as an emissary to rival gangs and announce planned rumbles.

Eddie had ambivalent feelings about belonging to this gang. He was aware of their activities and did not want to be part of all of them, yet he

feared reprisals if he should try to quit. On the positive side, the gang offered real protection, not only for himself, but also for his brothers and sisters. Eddie felt great responsibility for his siblings and wanted to protect them, particularly since he was "the man in the family." Gang membership ensured his family of safety in certain parks and playgrounds, for any attack from neighborhood youths would bring retaliation by the gang.

Eddie's schoolwork began to deteriorate as the demands put on him by the gang and his ambivalence about membership increased. He was also accused of sexually molesting his two youngest sisters, but the charges were dropped after he denied the accusations.

His mother could do very little about Eddie's problems, but because of her concern she decided that he would do better in a foster home. His aunt, unable to cope with all of Eddie's problems as well as those of his siblings and her own children, favored this move. Eddie himself finally agreed, realizing that this would provide him a safe way of leaving the gang. But he was also very upset at the thought of "deserting" his brothers and sisters. If his mother got out, he thought he might be able to manage, but he was only fourteen and felt he just couldn't do it on his own.

Linda

Linda also tried to care for and protect her younger siblings and began getting into trouble when she found she would not be allowed to do so. She became convinced that everything would be all right as soon as her mother was released from prison. For both Eddie and Linda, separation from their mothers forced them to try to assume adult responsibilities; denied the opportunity to develop independence gradually by going through the usual adolescent struggles with their parents, they idealized their mothers and struggled for independence against substitute caretakers. Without anyone who really cared to protect them and to set limits, they became involved in more serious, self-destructive behavior.

Linda is a short, rather chubby fifteen year old who would look young for her age except for her obvious pregnancy. She and four younger siblings were sent to a child welfare institution two years ago, when her mother was first imprisoned. She had been described as a tough, rather determined youngster—very mature and resourceful for her age. It was, therefore, rather a shock to meet this shy, frightened girl who seemed beaten down by her recent experiences.

When she first arrived at the institution, Linda was very angry that her mother had been taken away, and she expressed strong feelings against the staff, the welfare department, the police. She was very protective of her younger siblings and tried to make certain that they were well cared for, intervening on their behalf with the staff, while warning them not to trust anyone. One day she announced that she had been out looking for a job in order to buy some of the things she felt they needed.

After a few months, the staff separated Linda from her siblings because they felt she had a bad influence on them. Shortly after this, Linda began to run away, saying she wanted to talk with her mother. Finally, the staff decided they could not handle her and she was sent to the county detention home. Six weeks later, she was discharged to her grandmother, although she remained under the custody of the welfare department.

Linda says that she was scared when she was first sent to the detention home, but then felt that it was better than the institution. At least no one there said bad things about her mother and she was allowed to have friends and to play records. Since she had only been permitted to see her sisters and brothers once a week at church services, she felt that the move to the detention home made little difference in their relationship.

Linda's grandmother had wanted to take care of all of the children and was happy to have Linda. However, she lived out in the country in a small shack not accessible to public transportation. Therefore, after a few weeks Linda decided that she would rather stay with her cousins in the city. During the next eight months, Linda drifted between her cousins and her grandmother, attending school sporadically when she was in the city. After a month, she was admitted to the hospital on an emergency basis. Her mother thinks she had surgery for a tubal pregnancy at that time, and Linda thinks that she had an appendectomy; however, the only thing they are certain about is that she had major surgery. Her grandmother is also uncertain what happened to Linda at this time. When she called the welfare department because Linda was in terrible pain the department arranged to have her admitted to the hospital, but no one ever told the family what was done.

At the time of our visit, Linda was pregnant and apparently due in about a month; but even this was not certain. About a month earlier, her mother had been home on furlough and realized that Linda was pregnant. Since that time, she had been trying to get the welfare department to arrange for Linda to visit her doctor, but the agency had taken her to a clinic. Linda claims the clinic told her that she was due in a month but did not give her an examination or make any plans for delivery. She was obviously scared and asked her mother to come home again. Her mother eventually was able to arrange an emergency pass, and she was attempting to obtain a doctor's appointment for Linda at the time of our visit. She was furious that Linda had been neglected and said she was sure her daughter wouldn't be in such trouble in her care.

Linda's mother also questions the motivation of the welfare department in taking custody of the children. Since she is a widow, her children all receive social security payments now paid directly to the welfare department. Even Linda's check still goes to the welfare department. They do give the grandmother a small welfare grant and Linda an allowance, but they retain some of Linda's check. Moreover, if the welfare department felt that the grandmother could not provide a good home for the children, the agency had no right to discharge Linda to her; if they felt this was a

suitable home, they should not have removed the children in the first place. Linda's mother realizes that the grandmother's home is very poor and that her mother has a slight drinking problem, but she still thinks the children would have been better off there. The agency has never taken the children to visit their mother in prison and has only allowed her to talk with them by telephone on a few occasions; if they had been with the grandmother, someone might have brought them for a visit and certainly they would have been able to talk with their mother more frequently by phone.

Linda now leaves all future plans to her mother, who is due to be discharged from prison shortly. Linda said that she is pretty scared about the delivery, but she thinks everything will be all right as soon as her mother gets home. She wants to go back to school and thinks that her mother will be able to handle all the problems of child care, housing, and so on. Linda may be unrealistic in believing that all her problems will be solved as soon as her mother is discharged, but it is easy to understand why she is very tired of trying to manage on her own and wants to have someone take care of her again.

It is easy to see how youngsters such as these would have difficulty establishing a positive self-image. They need to idealize their parents and must reconcile this need with the knowledge that their mothers are convicts. Not surprisingly, they may act in deviant ways as they seek to establish their own identities in spite of such conflicts.

In these cases, no efforts were made to help the adolescents cope with their ambivalent feelings about their mothers and their own sense of guilt and failure. The responsible agencies gave little help to Eddie, Linda, or Beth: They were permitted to flounder on their own and were forced to accept the consequences when they failed. It is little wonder that they cling to the hope that their problems will be solved when their mothers return.

THE MOTHER'S PERSPECTIVE

Parents often feel their children's hurts as keenly as their own. Thus one way to learn what the imprisonment of mothers means to children is to ask the mothers. One of the concerns expressed most frequently by prisoner mothers we surveyed was that because of the enforced separation, it would be difficult to re-establish a relationship with the children or regain their trust in the future. Mothers of infants and young children often worry that if they are unable to form a relationship with their children in their early years, the children will never trust them completely.

A baby really needs his mother when he is first born and the few months after.

When we get out and become mothers to our babies, they won't know us.

It will be hard for the baby to adjust to me and his new surroundings when we become a family again.

I am the only parent of my children and we both suffer because I had to put them into a home with people neither I nor my children knew. Since then they haven't seen me, and I'm afraid that because they are only two and four, this will have a lasting psychological effect on them.

Other women are concerned that their children will be confused by having two mothers or that the children's caretakers will turn them against their mothers.

I went to visit my son in the foster home, but whenever my little boy would want something he would call her "Mommie" and then he would call me "Mommie" and he didn't know which Mommie to come to when he wanted a drink of water or a cookie. So I couldn't wait to leave; it just wasn't right. I know that she was uncomfortable and I didn't feel comfortable and I know for sure my little boy didn't feel comfortable.

My mother keeps telling my children that "Mommy can get better" if they don't live with me. They don't know where I am and she's brainwashing my kids with ideas pitted against me.

My brother and sister-in-law are taking care of my son. He's only four months old but they won't bring him to see me because of their own personal feelings.

When I got out of prison I went directly to the home of the woman who was taking care of my daughter, and she wouldn't let me in. She had agreed to keep her just while I was in jail, but changed her mind and didn't want me to take her.

Another major area of concern for many mothers is that no one takes responsibility to make sure that their children are receiving adequate care, especially when they are shifted from one home to another and are not in contact with their mothers.

At first after I had been in the county jail, they made Tim a ward of the court and they put him in a foster home and then in a day care center. Then he went back to a foster home and his foster parents decided their mother was sick back East so they had to leave and Tim had to go to the day care center for a couple of weeks. He was just switched around from house to house and he never had any real permanent place. It was really hard for him. He was about a year old then.

I don't even know where my daughter is. Welfare took her illegally two years ago and I haven't heard anything from them since. I'm trying to get a lawyer to find her, but it's hard to do anything while you're in prison.

I agreed to place my children with the welfare department voluntarily. But now they've decided that it would upset the foster parents if my mother or my husband went to visit them so they won't even tell us where they are. We don't know what kind of care they are getting and the kids must wonder what's happened to me.

My son is alone with his father who's an alcoholic. I know he won't take care of him properly. This is tragic because my son is the *real* victim. People say things will eventually work out, but time is no cure. No one is doing anything for him *now*.

Women prisoners, especially those who are mothers of older children, worry about who is going to protect their children and make certain they get needed education, health care, and social services. As Linda's mother explained, "Kids need someone to fight for them; the welfare department wants custody, but it doesn't want the responsibility that goes with this." On the whole, the mothers seemed to feel that no one else cares enough about their children to do battle for them when necessary. Although they generally expressed more trust in relatives than foster parents, many women commented that their parents were too old to get involved with the children's school problems or that their in-laws did not have the time or interest to ensure that the children received necessary health care. The prisoner mothers whose children were in foster care displayed even more concern about the possibility that their children were not receiving the help they needed to cope with ordinary as well as special problems.

My son attends a special neurological school and visits a mental health clinic regularly. He lives with my niece and nephew but I'm worried that he may miss his appointments at the clinic. Also, I should be there to be certain that he gets the school bus on time.

My daughter is seventeen, pregnant, and unmarried. She needs a mother's support at a time like this. If I could only go home, I know I could make it easier for her.

I would like to have more contact with the teachers and school social workers to know what kind of problems the children are having. I need to have more contact and more involvement in their lives in order for them to know I still care.

My daughter's blind in one eye and she needs me very much to help her adjust to the kind of life she has to face. Also, I need to give her the love we are losing because of my incarceration.

My son's schoolwork has been getting worse since I've been here. He doesn't know where I am and is very frightened. I went home for three days a while ago and told him the next time I came home it would be for good. But his schoolwork isn't getting any better.

In general, mothers' comments about the effect of incarceration on their children reflected concern with what was happening to their children during the present rather than concern about how it would affect the children in the future. Most of the mothers seemed to believe or hope that once they were released and could re-establish a home for their children, the problems would be resolved. Mothers generally spoke of the damage caused by their incarceration as temporary. However, there was a noticeable exception to this attitude among mothers of infants and young children who worried that if they did not care for their children during their early years, they might never be able to establish a close relationship with them.

The intuitive comments made by many of these mothers about the effects of their imprisonment on their children are remarkably similar to the findings drawn from research on children in foster care. The mothers, however, tend to be somewhat more optimistic than child welfare authorities about the reversibility of the damage their children suffer. This attitude may not be surprising since no mother wants to believe her child has been irreparably damaged. Naturally, parents hope that everything will turn out well for their children.

Recent research suggests that children are quite resilient and can survive some very negative experiences.[11] However, children of women prisoners who are separated from their mothers and placed with substitute parents—no matter whether they are relatives, friends, or licensed foster parents—are children whose well-being is in jeopardy. And unless these families are given adequate support during the period of separation and when they are reunited, the children may well suffer permanent harm.

SUMMARY

As the case illustrations have suggested, many of the injuries suffered by these children are unnecessary. It is impossible to describe how all children are affected by their mothers' incarceration. The degree to which any one child may be injured by his mother's imprisonment will be determined by his age, his personality, his prior relationship with his mother, the type of care he receives while his mother is imprisoned, the length of time he is separated from his mother, and the opportunities he has for continuing contact with his mother or other significant persons in his life. Children who are treated sensitively may experience the in-

[11]See Rutter, *Maternal Deprivation Reassessed*, for further discussion of this point.

carceration as only a brief separation, not unlike that which might occur if their mothers went away on a trip or were hospitalized briefly. For others, this experience may be only one in a lifetime of rejection and neglect. And for still others, it may be a very traumatic experience with severe negative consequences in terms of their development and future well-being.

3 / *Inmate Mothers and Their Children: Two Studies*

One reason for the lack of public concern about children of women prisoners is the scarcity of information about this population. Stereotypes, conjectures, and theories abound, but reliable data are almost nonexistent.

The U.S. Bureau of the Census provides the most complete demographic data about female inmates. (See Appendix 1.) What emerges from these limited census data is that women in correctional institutions are young (over two-thirds are under thirty-five, and 85.7 percent are under forty-four and still of child-bearing age); slightly over half the women are white, but a disproportionate number (42.1 percent) are black; less than two-fifths are currently married; and a disproportionate number reside in the South. They have a median education of 10.2 years and limited vocational training and job skills. Although over two-fifths of these women worked during the previous year, they lived in extreme poverty, 84.9 percent having no income or income under $2000 in 1969.

The Census Bureau does not provide any information about the children of women prisoners. To learn more about the needs of inmate mothers and their children, we conducted a national mail survey with

separate questionnaires addressed to administrators and to residents in seventy-seven correctional agencies reported to have responsibility for twenty-five or more female offenders. We also held intensive interviews with sixty-five inmate mothers at New York City Correctional Institution for Women.[1] This chapter reports the findings from these two sources.

NATIONAL MAIL SURVEY

Appendix 2 lists the facilities which participated in our survey by state, their average daily population, and the total number and percent of inmates reported to be mothers. Responses to our inquiries were obtained from every state, four federal facilities, the District of Columbia, and Puerto Rico. Based on other national estimates, we believe that our sample includes almost all women in federal and state prisons, but only about one-fifth of those in city and county jails because facilities holding fewer than twenty-five residents were not included in our survey.

We received data on seventy-four institutions in which approximately 9,379 women were confined at the time of the survey.[2] Administrative statements regarding the proportion of inmates who were mothers ranged from 35.4 percent at the Nebraska Reformatory for Women (exact count) to 100.0 percent at the State Correctional Center for Women in Missouri (estimate based on a 10 percent sample). Most of the estimates clustered around 70 to 80 percent. Excluding the four youth facilities in which there is only a small number of mothers, 3,121 or 67.1 percent of the women in the forty-six facilities that provided this information were mothers.

Number of Children

The mean number of children per inmate mother was 2.4 in the forty-one facilities which reported number of children. Although we did not have a random sample, these figures are relatively similar to other estimates of the average number of mothers and children among female inmates.[3] The

[1] A detailed description of methodology is presented in Appendix 5.

[2] Three of the seventy-seven administrators surveyed reported that all female offenders were sent to facilities located out of state. Fifteen of the administrators who responded to our questionnaires provided estimates rather than exact numbers, so the reliability of our data regarding their institutions is uncertain.

[3] See, for example, Kathryn Watterson Burkhart, *Women in Prison* (Garden City, N.Y.: Doubleday, 1973), and Women's Prison Association, *A Study in Neglect: A Report on Women Prisoners*, prepared by Omar Hendrix, Ford Foundation Travel-Study Grant, July 15, 1972–Oct. 15, 1972.

median number of children per inmate mother was 1.6. This figure is slightly lower than the national average because of the higher percentage of one-child families (31.1 percent), but in view of the youth of the sample population, this is not surprising. Most inmate mothers have many child-bearing years ahead of them and can be expected to have additional children. (See Appendix 3.)

Age of Children

Almost two-thirds of the children of inmates in our sample were under ten and nearly one-fourth were under four. This means that a significant number of children of prisoners are separated from their mothers during their early formative years when a positive nurturing relationship is considered essential to healthy child development. (See Appendix 3.)

Living Arrangements of Children

Approximately three-fourths of the inmate mothers in our survey were caring for one or more dependent children at the time of their arrest. Table 1 presents data about where these children were living at the time of our survey. Slightly over 75 percent of the children's caretakers were relatives and an additional 4.3 percent were neighbors or friends. Approximately one child out of eight (12.1 percent) was placed in a foster home with strangers after the mother was arrested.

*Table 1**

Current Caretakers of Children Living with Mothers *at Time of Arrest (N = 1336)*

Caretaker	*Number*	*Percent*
Relatives	1014	75.9
Grandparent(s)	318	23.8
Father, husband	102	7.6
Other relative	144	10.8
Not specified	450	33.7
Friends, neighbors	58	4.3
Foster care	162	12.1
Other	102	7.6
Total	1336	100.0

*Percentage distributions in this and subsequent tables do not always add to total stated because of rounding.

Table 2

Caretakers of Children Not Living with Mothers *at Time of Arrest (N = 237)*

Caretakers	*Number*	*Percent*
Relatives	162	68.4
Grandparent(s)	60	25.3
Father, husband	42	17.7
Other relative	33	13.9
Not specified	27	11.4
Friends, neighbors	4	1.7
Foster care	51	21.5
Other	20	8.4
Total	237	100.0

Table 2 presents our findings regarding the caretakers of children who were *not* living with their mothers at the time of arrest. Again, the extended family serves as the primary resource for these children. Over two-thirds of the children who did not live with their mothers were living with relatives; about one-fifth were living in foster homes. Although there are regional variations in the *total* proportion of children in foster care, among the inmate mothers we surveyed there was little regional variation.

Contacts

One of our major questions concerned the amount of contact inmate mothers are able to maintain with their children and their children's caretakers. Table 3 presents our findings.

The vast majority of inmate mothers who responded to this question maintained some contact with their children and the children's caretakers. This was confirmed by the administrators in four of the five facilities that provided aggregate information on this question. While we have no data from the questionnaires on the quality or frequency of such contacts, information from other sources indicates that this is likely to be limited.

The women who did not have regular contact with their children gave a variety of reasons. Some had not been in contact with their children prior to incarceration; others stated that persons caring for their children opposed visiting, or that the distance was too great; still others said that they did not want their children to know they were in prison. A recent study of inmate mothers in Louisiana reports that financial and geo-

Table 3

Contact between Inmate Mothers, Their Children, and Caretakers (N = 804)

	With Children		With Caretakers	
	Number	Percent	Number	Percent
Some regular contact*	690	85.8	664	82.6
No contact	71	8.8	89	11.1
Contact with one or more but not all children/caretakers	24	3.0	24	3.0
Not answered	19	2.4	27	3.3
Total	804	100.0	804	100.0

*"Regular contact" was not defined. However, comments by the mothers suggest that these contacts may be as infrequent as once a month or less.

graphic obstacles to visiting accounted for 54 percent of the cases in which mothers were unable to maintain regular contact with their children; caretakers opposed visiting in 16 percent of the cases; mothers or children were reluctant to visit in 11 percent of the cases.[4]

Future Plans

Another major question concerned the mothers' future plans for their children. Over three-fourths reported that they planned to re-establish a home for some or all of their children. (See Table 4.) Among the 11.9 percent who announced that they planned to leave their children in the present placement, a substantial number voluntarily added that the placement would be continued only until they "were ready," "had gotten themselves together," or "had time to adjust." Only two mothers (0.1 percent) stated that they planned to place their children for adoption. These responses from women prisoners indicate that a large majority expect or hope that separation from their children will be only temporary.

A LOCAL STUDY

The New York City Correctional Institution for Women (NYCCIFW) provided an opportunity for a more comprehensive study of factors in-

[4]Marcia Bonfanti, Sharon Felder, Mabel Loesch, and Nan Vincent, *Enactment and Perception of Maternal Role of Incarcerated Mothers* (Master's thesis, Louisiana State University, May 1974).

Table 4
Mothers' Future Plans for Children (N = 1,408)

Plan	*Number*	*Percent*
Re-establish home for all children	1,101	78.2
Re-establish home for some children	10	.7
Continue present placement	168	11.9
Surrender for adoption	2	.1
Adult children—does not apply	28	2.0
Other—no plans, undecided, will try to regain custody	19	1.3
Not answered	80	5.7
Total	1,408	100.0

fluencing current living arrangements and future plans for inmates' children. Appendix 4 presents a description of this facility.

The sample in the local study included sixty-four sentenced women who had been at the facility sixty days or longer, and eighty detained women who had just arrived at Rikers. Forty-one (64.1 percent) of the sentenced women reported that they had children under eighteen, and interviews were completed with twenty-seven (65.9 percent) of these women. Forty-eight (60 percent) of the detained women stated that they had children under eighteen, and interviews were held with thirty-eight (79.2 percent) of these women.[5] The findings presented below are based on interviews with a total of sixty-five women who reported that they had 112 children under the age of eighteen.[6]

Number of Children

The families of the sixty-five mothers ranged in size from 1 to 6 children. The median number of children per inmate was 1.1, while the average family size was 1.8 children. Whereas 46 percent of the mothers had only 1 child, only three mothers (4.5 percent) had 4 children or more. Ninety percent of the children were under the age of twelve. (See Table 5.)

[5]The reasons that some mothers were not interviewed included refusal to cooperate (eighteen), language problem (three), and interview inappropriate because children placed for adoption or other reason (three).

[6]Interviews with three women were not completed, so the N reported in several of the tables is slightly smaller. Because some questions were asked only of the sentenced women, certain of the findings refer only to the twenty-seven sentenced women.

Table 5
Number of Children per Family

No. of Children per Family	*No. of Mothers*	*Percent of Mothers*	*Total No. of Children*
1	30	46.2	30
2	21	32.3	42
3	11	17.0	33
4	1	1.5	4
5	1	1.5	5
6	1	1.5	6
Total:	65	100.0	120*

*Six of these children were over eighteen and nothing was known about two other children. Therefore, all our other findings are based on a total of 112 children.

Children's Current Living Arrangements

Analysis of the current living arrangements of the interviewed children revealed that the vast majority (86.6 percent) were living with relatives or friends, and two-thirds did not even have to move when their mothers were incarcerated. Hence, it appears that this population relies heavily on extended family and informal social networks for child-care resources. (See Table 6.) This same pattern is common among many black, urban families in which it has been documented that domestic exchange networks serve an adaptive function for people living in poverty.[7]

Financial Support for Children

The two primary sources of support for the forty-three children of sentenced women during their incarceration were employment of an adult living in the home (37.2 percent) and public assistance (34.9 percent). Many of the children's caretakers were not eligible for foster home payments because they were grandparents and were receiving assistance at the lower rate of AFDC.[8] However, in those cases where family members were eligible for foster care payments, no requests had been made for this type of support. This fact may reflect a lack of knowledge

[7]See, for example, Carol B. Stack, *All Our Kin* (New York: Harper and Row, 1974).

[8]A law recently passed in New York State now permits the payment of foster home rates to grandparents. Such legislation is unique.

about the entitlement to such aid, or fear of assuming foster care status. It undoubtedly also reflects the failure of criminal justice and welfare officials to advise mothers of their relatives' right to such payment.

Current Mother-Child Relationship

Almost all (93.0 percent) of the forty-three children of sentenced women were still in the legal custody of their mothers. Most of these children (83.7 percent) had some contact with their mothers through letters, visits, or phone calls, and over half of the children (62.2 percent) were in contact with their mothers at least once a week. Nine of these forty-three children (20.9 percent) had extremely infrequent or *no* contact with their mothers. The reasons given for infrequent or no contact included the child's age, a lack of contact between mother and child prior to the in-

Table 6

Current Living Arrangements of Children

Location	*Number*	*Percent*
No change in living arrangements	74	66.1
Previously living with		
Mother and natural father	1	.9
Mother and surrogate-father	6	5.3
Father (never lived with mother)	2	1.8
Extended family	23	20.6
Grandparent(s)	26	23.2
Other relatives, friends	10	8.9
Foster/adoptive parents	6	5.4
Change in living arrangements	38	33.9
Currently living with		
Father	3	2.7
Grandparent(s)	13	11.6
Other relatives, friends	13	11.6
Foster parents	3	2.7
Unknown	6	5.4
Totals		
Father	6	5.4
Grandparent(s)	62	55.3
Other relatives, friends	29	25.9
Foster/adoptive parents	9	8.0
Unknown	6	5.4
	112	100.0

carceration, and unwillingness to inform the child that the mother was incarcerated.

The frequency of contact between the mother and her child's caretaker was almost the same as that between the mother and child. Almost 70 percent of the children had caretakers who were in contact with the child's mother once a week or more. Nine children (20.9 percent) had caretakers who maintained extremely infrequent or no contact with the child's mother. The sentenced mothers reported that the majority of their children's caretakers (85.7 percent) always or usually consulted with them regarding important decisions about the child.

Approximately half of the children (53.0 percent) had mothers who expressed good feelings—happiness, satisfaction, and relief—about the child's current living situation. One detained woman responded, "I think he's really lucky." Another who had not been living with her child just before arrest said that her son was "in perfect living conditions in the country." Twenty children (20.0 percent) had mothers who expressed mixed feelings, and mothers of twenty-seven children (27.0 percent) displayed negative feelings about the child's living situation—worry, dissatisfaction, anger, and bitterness. One detained mother said she was very concerned about the child's uneasiness about not knowing or understanding what was going on. Another mother was worried and upset because she did not know how she would be able to continue sending money to her children who were living in Puerto Rico with a godmother. One sentenced woman remarked, "I don't like it because I'm away from the children. It gets to me because I'm not helping them. If something should happen to my mother, I don't know what I'd do." On the whole, the sentenced women tended to be more positive about their children's living situations than the detained women. This may reflect the fact that detained women are likely to feel more anxious and uncertain about the future for themselves and their children than are those who have been sentenced. Or, it is possible that the sentenced women who have had more time to make plans for their children have been able to make arrangements more in accord with their wishes.

Mothers' Future Plans for Their Children

A majority of the detained mothers planned to reunite with their children (57.1 percent) immediately if they were released after trial; and the mothers of an additional 9.5 percent planned to reunite with their children after a brief period of adjustment. In one-third of the cases, even if the mothers were released after trial, they planned to have their

children continue in the homes where they were presently living. A large majority (84.1 percent) of the mothers planned, if sentenced, to have the children stay where they were. Only three mothers (4.8 percent) were uncertain what their plans would be if sentencing occurred.

The vast majority of sentenced women (92.5 percent) expect to reunite with their children sometime after their release. However, 55 percent of these mothers spoke of the need for a period of adjustment before resuming care of their children. Most of this group expressed the hope of using the period after release to secure an apartment, find a job, or make arrangements for welfare. Only three mothers planned to have their children remain permanently in the homes where they were currently living. Thus, although a larger proportion of sentenced than detained women spoke of the need for a period of readjustment before reuniting with their children, more of these women expressed the hope of establishing a home for their children at some point in the future.

Incarceration and Mother-Child Separation

All children of women prisoners suffer enforced separation from their mothers. As discussed in the previous chapter, such separation involves a high risk of harm for children, and the extent to which a child is affected by separation is determined by such factors as age, personality, nature of the mother-child relationship, cause and duration of the separation, and subsequent continuity and quality of care.

Although there are tremendous individual variations in children's capacity to cope with stress, the consequences of separation are likely to be more harmful when the child is young, when the mother has been the only or primary caretaker, when the separation is abrupt and unplanned, and when the child is moved to a new environment with an unknown caretaker. Other factors determining the extent of potential harm to a child include any trauma experienced at the time of the mother's arrest, the type of care provided by substitute caretakers, the nature of his continuing relationship with his mother, and the quality of his total life experience during the period of separation.

One of the most disturbing findings of the Rikers study was the high proportion (45.5 percent) of children who were under the age of five and especially vulnerable to separation problems. As suggested in Tables 7 and 8 below, these children were more likely to have lived with their mothers prior to arrest but less likely to have frequent contact with their mothers after arrest. Thus, not only are younger children inherently more vulnerable to separation, but also the lack of contact after separation makes their mothers' disappearance comparable to loss by death.

Table 7

Child's Residence prior to Arrest by Age (N = 111)

	Age			
Residence	*0–2*	*2–5*	*5–12*	*12–18*
With mother	75.0% (12)	61.8% (21)	51.0% (25)	50.0% (6)
Without mother	25.0% (4)	38.2% (13)	49.0% (24)	50.0% (6)

The percentage of children who had not been separated from their mothers before arrest decreases with age; however, after arrest the converse is true—the younger the child, the less likely there will be continued contact with the mother after incarceration.

Many of the young children who had to survive an abrupt separation from their mothers will have to make another sudden readjustment because their mothers plan to resume care of them immediately following their release from prison. Although younger children are less likely to have regular contact with their mothers following arrest, their mothers are more likely to plan an immediate reunion than are the mothers of older children. (See Table 9.)

Two factors may help to mitigate the detrimental effects of abrupt separation on the young children in our sample. First, approximately two-thirds of this group remained in the home where they had been living previously so that they did not have to cope with an unknown environment; and second, only 12.5 percent of the children were not cared for by a friend or relative, so we may assume that most caretakers were

Table 8

Contact with Mother after Arrest by Age (N = 43)

	Age			
Frequency of Contact	*0–2*	*2–5*	*5–12*	*12–18*
Once a week or more	20.0% (1)	57.1% (4)	70.8% (17)	71.4% (5)
Once a month	40.0% (2)	14.3% (1)	12.5% (3)	14.3% (1)
Little or no contact	40.0% (2)	28.6% (2)	16.7% (4)	14.3% (1)

familiar to the children. (See Tables 10 and 11.) However, as discussed in chapter 2, recent research suggests that the potentially negative consequences of this experience for children could be minimized further if the separations did not occur abruptly and the children were able to maintain continuing contact with their mothers during the period of incarceration.

Table 9

Mother's Future Plans by Age of Child (N = 103)

	Age			
Immediate Return	*0–2*	*2–5*	*5–12*	*12–18*
Yes	73.3% (11)	58.1% (18)	37.8% (17)	41.7% (5)
No	26.7% (4)	41.9% (13)	62.2% (28)	58.3% (7)

The child's living arrangements before and after the mother's arrest may affect the amount of contact between the child and his mother during her incarceration. In general, mothers seemed more likely to maintain regular contact with children and caretakers if they lived with their children before arrest. However, it is important to note the high percentage of mothers not living with their children who also maintained regular contact.

As might be expected, regular contact was more likely when the child lived with an immediate family member than when he was placed in

Table 10

Change of Residence Since Arrest by Age of Child (N = 112)

	Child's Age			
Change of Residence	*0–2*	*2–5*	*5–12*	*12–18*
Yes	64.7% (11)	64.7% (22)	65.3% (32)	75.0% (9)
No	29.4% (5)	29.4% (10)	28.6% (14)	25.0% (3)
Unknown	5.9% (1)	5.9% (2)	6.1% (3)	—

Table 11

Child's Current Caretaker by Age of Child (N = 106)

	Child's Age			
Current Caretaker	*0–2*	*2–5*	*5–12*	*12–18*
Father	—	12.5% (4)	13.0% (6)	16.7% (2)
Grandparent	75.0% (12)	56.3% (18)	54.3% (25)	58.3% (7)
Relative, friend	25.0% (4)	18.8% (6)	23.9% (11)	16.7% (2)
Foster parents	—	12.5% (4)	8.7% (4)	8.3% (1)

Table 12

Contact with Child and Caretaker by Prior Residence (N = 43)

	Prior Residence	
Contact with Child	*With Mother*	*Without Mother*
Weekly	70.8% (17)	52.6% (10)
Monthly	16.7% (4)	15.8% (3)
Seldom or never	12.5% (3)	31.6% (6)
Contact with Caretaker		
Weekly	87.5% (21)	47.4% (9)
Monthly	4.2% (1)	15.8% (3)
Seldom or never	8.3% (2)	36.8% (7)

Table 13

Contact with Child and Caretaker by Child's Current Residence (N = 43)

	Child's Current Caretaker			
Contact with Child	*Father*	*Grand-parents*	*Friend/ Relation*	*Foster Parent*
Weekly	80.0% (4)	62.7% (16)	70.0% (7)	—
Monthly	20.0% (1)	20.8% (5)	—	25.0% (1)
Seldom, never	—	12.5% (3)	30.0% (3)	75.0% (3)
Contact with Caretaker				
Weekly	40.0% (2)	83.3% (20)	70.0% (7)	75.0% (1)
Monthly	—	12.5% (3)	10.0% (1)	—
Seldom, never	60.0% (3)	4.2% (1)	20.0% (2)	75.0% (3)

foster care after his mother's arrest. (See Table 13.) Although the number of children in foster care in this study was very small, other studies have demonstrated that child welfare agencies make little effort to maintain regular contact between children in foster care and their natural parents.[9]

Mothers generally expressed more satisfaction with their children's living arrangements when they were being cared for by immediate relatives, especially grandparents, than when they were in other types of living arrangements. (See Table 14.)

In general, mothers were more likely to plan immediate reunion if their children were young, if they had been living with the children prior to arrest, if the children had been moved since the arrest, and if they were currently living with their fathers or grandparents. Neither the amount of contact the mothers maintained with the children and their caretakers

[9]See *Children Without Homes* (Washington, D.C.: Children's Defense Fund, 1978), forthcoming, for a full discussion of this problem.

Table 14

Mother's Attitude toward Child's Current Living Situation by Caretaker (N = 100)

	Current Caretaker			
Mother's Attitude	*Father*	*Grand-parents*	*Friend/ Relation*	*Foster Parent*
Positive	41.7% (5)	61.4% (35)	54.5% (12)	11.1% (1)
Ambivalent	41.7% (5)	19.3% (11)	13.6% (3)	11.1% (1)
Negative	16.7% (2)	19.3% (11)	31.8% (7)	77.8% (7)

nor the mothers' attitudes toward the children's current living situation seemed to affect their future plans. However, mothers who had lived with their children prior to arrest were much more likely to plan an immediate reunion than were those who had not. (See Table 15.)

Figure 1 presents the living arrangements before and after arrest and future plans as described by the mothers in our sample. The proportion of children living with their mothers before arrest compared to those living apart is expected to reverse following the mother's release from prison. Whereas fifty-two of the children had lived with their mothers prior to arrest, only forty-four of their mothers planned to reunite with them after their release. This suggests that approximately 8 percent or one out of twelve children may experience a permanent change in living situation. Although most of these women said that they eventually planned to reunite with their children, data regarding the living ar-

Table 15

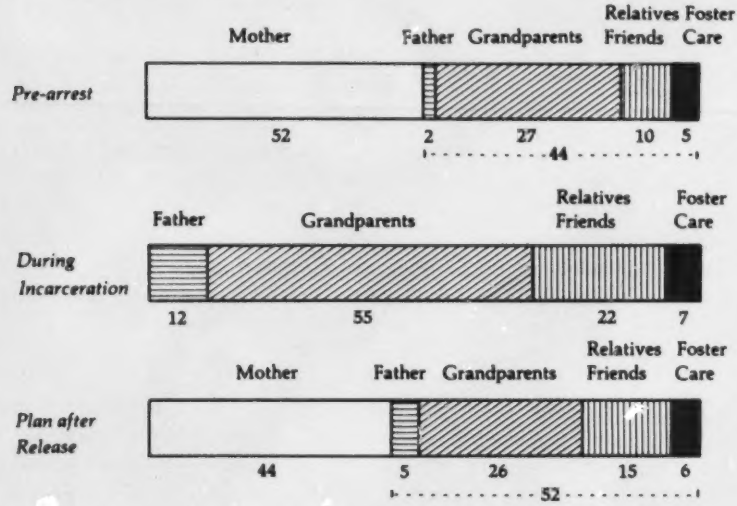
Future Plans by Child's Prior Residence (N = 102)

	Prior Residence	
Future Plans	*With Mother*	*Not with Mother*
Immediate reunion	82.8% (48)	4.5% (2)
No immediate reunion	17.2% (10)	95.5% (42)

rangements of children whose mothers had been incarcerated previously (see below) suggest that these temporary separations tend to become permanent.

Figure 1

Living Arrangements of Children before, during and after Mother's Incarceration (N = 96)



Whereas 80 percent of those who had not been incarcerated before were living with their children prior to arrest, only 41.7 percent of those incarcerated previously were living with their children before this arrest. (See Table 16.) Moreover, the number of previous incarcerations seems

Table 16

Prior Residence by Previous Incarcerations (N = 39)

	Prior Incarcerations		
Prior Residence	*None*	*1–2*	*3 or More*
With mother	80.0% (12)	55.6% (5)	33.3% (5)
Not with mother	20.0% (3)	44.4% (4)	66.7% (10)

Table 17

Future Plans by Prior Incarcerations (N = 39)

	Prior Incarcerations		
Future Plans	*None*	*1–2*	*3 or More*
Immediate reunion	60.9% (9)	33.3% (3)	13.3% (2)
No immediate reunion	40.0% (6)	66.7% (6)	86.7% (13)

related to the mother's future plans regarding reunion: 60 percent of those who had not been in prison before planned to reunite with their children immediately, but only 20.8 percent of those who had been incarcerated previously planned an immediate reunion. (See Table 17.) When controlled for prior living arrangements, the effect of mother's earlier incarcerations on future plans becomes even more striking. (See Table 18.)

Thus, the data suggest that an increased number of previous incarcerations decreases the likelihood of a child's living with his mother before arrest; and a mother not living with her child before arrest seldom plans to reunite with him immediately. Moreover, an increased number of previous incarcerations decreases the likelihood of a mother's planning an immediate reunion with her child after release even if the two had

Table 18

Future Plans by Previous Incarcerations by Prior Residence (N = 39)

	Prior Residence with Mother			*Prior Residence Not with Mother*		
	Previous Incarceration			*Previous Incarceration*		
Future Plans	*None*	*1–2*	*3 or More*	*None*	*1–2*	*3 or More*
Immediate reunion	75.0% (9)	60.0% (3)	20.0% (1)	—	—	10.0% (1)
No immediate reunion	25.0% (3)	40.0% (2)	80.0% (4)	100.0% (3)	100.0% (4)	90.0% (9)

been living together previously. We must conclude that there is a strong likelihood that the incarceration of a mother is related to long-term severance of the family unit.[10] We cannot say whether the mother's incarceration in itself is sufficient to cause the family break-up or whether there may be other factors which lead both to the incarceration of the mother and the long-term separation of mother and child. But this finding suggests that these families are very much at risk. Unless there is positive intervention, the incarceration of a mother is not only likely to create temporary distress for the child, but also to undermine and threaten permanently the mother-child relationship.

[10]A similar finding was recently reported by Glick and Neto who noted: "Prior incarceration of the mother doubled the incidence of children not living at home, from 16 percent for those women who had never been in jail or prison before to 33 percent for women who had previously served time." Ruth Glick and Virginia V. Neto, *National Study of Women's Correctional Programs* (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, June 1977), p. 119.

4 / *Changing the System*

There is no single explanation or solution for the plight of children of women prisoners. These children are the victims of some of the most destructive forces in our society. It has begun to sound trite to cite poverty, racism, and sexism as causal factors. Yet the data presented in the previous chapters demonstrate that each of these forces contributes to the problems of children of women prisoners: These children generally come from poor, minority, female-headed households in which there is a high degree of social disorganization. Because the children are members of this scapegoated segment of the population, their needs tend to be ignored by the larger community.

Many of the problems faced by these children stem from deficiencies in our criminal justice and child welfare systems, but these difficulties are exacerbated by the lack of a national family policy and the isolation and fragmentation of our various service systems. Service programs are developed on an ad hoc, independent, and categorical basis, and governmental support of family life is left at a minimum. No effort is made to evaluate the impact of proposed legislation or administrative changes on family life, and there is no public consensus regarding the goals toward

which our social programs should be directed. Consequently, the criminal justice and child welfare systems are permitted to function in isolation, ignoring the total family needs of women prisoners and their children.

THE CRIMINAL JUSTICE SYSTEM

The defects and failures of the criminal justice system have been well documented in recent years.[1] We shall not attempt to summarize all of these reports. Instead, we shall simply highlight some of the major findings and discuss their implications for children of women prisoners.

Perhaps the most basic problem in the criminal justice system is that it is essentially a nonsystem. The various operating agencies in the criminal justice field function in isolation from each other, often on the basis of conflicting assumptions and goals. There have been some recent efforts to establish state and local coordinating and planning bodies; but at an operational level, the judiciary, police, legal service agencies, and correctional facilities remain autonomous. There is little agreement about the ultimate goals of the criminal justice system. Changes initiated in one sector are frequently undermined by policies and procedures in another. Allocation of funds among the various agencies is disproportionate, and there are frequent conflicts about jurisdiction and domain.

A recent study in New York City, for example, reported that police received 81.2 percent of the $1,225.7 million expended for criminal justice in 1972–73, whereas the correction department received only 9.6 percent; probation, 2.1 percent; district attorneys, 1.5 percent; courts, 5.5 percent; and defense attorneys, 0.6 percent.[2] The police were funded so well that they were unable to use all the equipment provided. But non-police functions such as the courts, probation, and the district attorney's office continued to suffer from high workloads, high vacancy rates, inex-

[1]See, for example, American Friends Service Committee, *Struggle for Justice: A Report on Crime and Punishment in America* (New York: Hill and Wang, 1971); "Corrections in the United States," A Survey for the President's Commission on Law Enforcement and Administration of Justice by the National Council on Crime and Delinquency, *Crime and Delinquency*, January 1967; *Fair and Certain Punishment*, Report of the Twentieth Century Fund Task Force on Criminal Sentencing and Background Paper by Alan M. Dershowitz (New York: McGraw Hill, 1976); National Advisory Commission of Criminal Justice Standards and Goals, *Corrections* (Washington, D.C.: U.S. Gov. Printing Office, 1973); Leon Radzinowicz and Marvin E. Wolfgang, eds., *The Criminal in the Arms of the Law* (New York: Basic Books, Inc., 1971).

[2]*The Criminal Justice System in the City of New York—An Overview*, A Report of the New York State Commission of Investigation, November 1975, p. 19.

perienced and incompetent staff, and inadequate physical facilities. Other parts of the criminal justice system are not able to deal properly with all arrests made by the police. The result is extensive plea bargaining and overly quick case processing, lengthy trial delays, overcrowded detention facilities, inappropriate sentencing, and a revolving door system of justice in which the innocent are likely to suffer more than the guilty.

Although these problems affect all offenders, the lengthy trial delays are especially burdensome for mothers and their children. Women who cannot post bail are likely to be held in detention for inordinate periods and may be encouraged to accept a guilty plea in order to be reunited with their families; those who are released pending trial are forced to endure long periods of uncertainty which are likely to be very distressing to their children.

Unequal treatment pervades every segment of the criminal justice system. Repeated studies have shown that virtually all adults have committed offenses for which they could have beer. convicted,[3] yet only a small proportion of offenders are ever arrested, convicted, or incarcerated. Age, sex, income, race, appearance, and geographic location are all critical variables influencing who gets into the criminal justice system. "By and large our prisons are reserved for those with dark skins, little money, or unconventional lifestyles."[4] Police are less likely to arrest, prosecutors are less likely to prosecute, juries are less likely to convict, and judges are less likely to sentence white persons from middle-class backgrounds, although age, sex, and geographic location may also influence what happens at each stage in the criminal justice process. Hence, the criminal justice system not only provides unequal treatment to those who are detained or incarcerated but also permits people to remove themselves from the system on an unequal basis. "Defense charges and disposition of cases by courts may not exclusively depend upon guilt or innocence, but rather, on financial and social resources all of which are unequally distributed to begin with."[5]

Another serious charge leveled against the criminal justice system is that during the past century, there has been a gradual expansion in the boundaries of the system. Before treatment and rehabilitation became the professional goals of criminal justice, persons were seldom incarcerated. Instead, they were fined, banished, given corporal punishment, or

[3]See, for example, Kenneth L. Morse, *The Legal Issues Concerning Education of Offenders*, Correctional Education Project, Education Commission of the States, Report #82, March, 1976, p. 2; and AFS Committee, *Struggle for Justice*, p. 106.

[4]AFS Committee, *Struggle for Justice*, p. 102.

[5]Morse, *The Legal Issues Concerning Education of Offenders*, p. 8.

put to death. With the development of the individual treatment model, there has been a marked increase in the number of persons confined for extended periods, presumably for their own good. Yet in spite of this, and in spite of the tremendous increase in criminal public expenditures for justice, in recent years there has been a rise in reported crime and in recidivism rates. Increased reliance on incarceration in our present society has not proven to be either an effective deterrent or a source of rehabilitation. With the increasing disillusionment about incarceration as an effective deterrent or rehabilitative program, there have been growing demands that punishments be based only on the offense as this relates to the need for community protection, not on the differences between offenders. In the case of women offenders with children, this approach would prevent consideration of the consequences of punishment for the children. Yet, looking at the present disparity in sentencing, we see the greatest contrast between the harsh punishments meted out for street crimes and the mild punishments imposed for white-collar offenses. The justification by some judges has been that white-collar offenders are sufficiently punished by exposure and humiliation, that they have paid high legal fees, and that they are not likely to repeat their crimes. Most women who have committed victimless offenses receive far different treatment although they pose no real threat to the community.

The mounting criticism of the criminal justice system has resulted in increased public support for decriminalization of victimless crimes, development of alternatives to incarceration, use of equal sentences for equal offenses, and restriction of prison facilities for those who commit crimes of violence. Until reforms such as these are implemented, many children of women prisoners will continue to endure needless suffering.

Women have traditionally been thought to benefit by a system of justice which focuses on the criminal rather than the crime, and, in fact, many women probably have escaped the criminal justice system because of their sex. On the other hand, discrimination against women in the criminal justice system has been well documented in recent years.[6] Women are much less likely than men to be caught in the criminal justice system, but those women who are not diverted at the time of arrest, pro-

[6]See, for example, Marilyn Haft, "Hustling for Rights," *Civil Liberties Review*, Spring 1974, pp. 8–25; Carolyn Engel Temin, "Discriminatory Sentencing of Women Offenders: The Argument for ERA in a Nutshell," *American Criminal Law Review*, Winter 1973, pp. 355–72; Linda R. Singer, "Women and the Correctional Process," *The American Criminal Law Review*, Winter 1973, pp. 295–308; "The Sexual Segregation of American Prisons," *The Yale Law Journal*, May 1973, pp. 1229–73; Rita James Simon, *The Contemporary Woman and Crime*, Monograph Series, Crime and Delinquency Issues, National Institute of Mental Health (Washington, D.C.: Department of Health, Education and Welfare, 1973).

secution, conviction, or sentencing are likely to be treated much more harshly than men.

Given the many deficiencies and failures of the criminal justice system, it is easy to understand why it is so unresponsive to the needs of these children and how it contributes to their suffering. However, the criminal justice system cannot assume total responsibility for children of women prisoners. The child welfare system, which has a public mandate to protect the welfare of dependent and neglected children, must accept its share of the responsibility. And it too has failed to respond adequately.

THE CHILD WELFARE SYSTEM

The child welfare system is intended to provide services which supplement, support, or substitute for parental care in order to protect children's basic right to nurturance. The 1962 Amendments of the Social Security Law required the establishment of child welfare services in every political subdivision; stipulated that child welfare services be made available to all children regardless of residence, economic status, race, or religion; and reaffirmed the state's responsibility to provide preventive as well as protective services by reaching out to children in need of services.

The child welfare field thus has a very broad mandate to serve all children in need, but despite this mandate, the system has failed to respond to the needs of many groups of children. Deficiencies in the present system which contribute to this failure are well documented.[7] For example, the child welfare system continues to concentrate on child placement rather than family support services. Child-serving agencies tend to be very specialized and fragmented. The fiscal and manpower resources allocated to the child welfare component of the public welfare system are grossly inadequate. And the unequal treatment which pervades the criminal justice field also characterizes the child welfare system: Poor and minority children have unequal access to services, and if they do gain access to the system, they are likely to be treated differently.

Perhaps the most important reason for current deficiencies in the child welfare system is the lack of a clear social policy toward families and children. Because of societal ambivalence about the proper role of the

[7]See, for example, Andrew Billingsley and Jeanne M. Giovanni, *Children of the Storm* (New York: Harcourt Brace Jovanovich, 1972); *Children Are Decent People*, Alvin Schorr, ed. (New York: Basic Books, 1974); William Ryan and Laura B. Morris, *Child Welfare Problems and Potentials* (Boston: Massachusetts Committee on Children and Youth, 1967).

state in relation to the family, there is an inherent value conflict which permeates the child welfare field.

The state's authority to intervene in the relationship between parent and child is based on the common law doctrine of *parens patriae*, which has been interpreted as granting the state responsibility for protecting certain interests of children, if endangered. Every state has a statute permitting the removal of children from their parents for protective purposes. Most states' statutes allow the court to intervene if a child lacks a parent or guardian, if he has no source of support (dependent), if the parent has neglected to care for him properly (neglected), or if the parent has willfully injured the child (abused).[8] But the standards defining dependency, abandonment, neglect, and abuse tend to be vague and open-ended. Consequently, the right to intervene in family life or to remove a child from his home allows considerable administrative and judicial discretion.

Compounding this problem is a tremendous cultural ambivalence about such intrusion. Although the judicial doctrines of *parens patriae* and "the best interests of the child" both justify extensive state interference with parental prerogative, the child welfare system operates "within the context of a powerful social consensus that the proper relationship between parents and the state in their exercise of control over a child's life favors parental dominance."[9] Repeated research findings regarding the negative effects of foster care, coupled with several well-documented cases of serious overreaching by child welfare agencies, and a series of judicial decisions upholding the rights of natural parents, have served to legitimize this value position.

The child welfare system has resolved the conflict between its broad legal mandate and restrictive societal norms by maintaining circumscribed and somewhat rigid boundaries. As a result, the system generally provides a narrow range of intensive services to a limited number of children.[10] It is difficult for children to get into the system, yet little effort is made to provide the supportive services which might obviate the need for placement. If children are placed, it becomes very difficult for them to move out of foster care. Child-care officials offer little help to parents to resolve the problems which necessitated placement, yet they are reluctant to discharge children to potentially unstable family situations.

[8]Robert Mnookin, "Foster Care: In Whose Best Interest?" *The Rights of Children*, Harvard Educational Review, Reprint Series No. 9, p. 163.

[9]Hillary Rodham, "Children under the Law," *The Rights of Children*, Harvard Educational Review, Reprint Series No. 9, p. 4.

[10]See, for example, Alfred J. Kahn, *Studies in Social Policy and Planning* (New York: Russell Sage Foundation, 1969), chapter VII.

Ironically, they are also reluctant to tamper with the residual rights of parents: Instead of terminating parental rights for children who cannot return home and moving the children into adoptive families, they often permit these children to remain indefinitely in the limbo of foster care.

The implications of this practice for children of women prisoners are clear. The child welfare system makes little or no effort to reach out and provide service to this population of children at risk; yet the small percentage of these children who are placed in the child welfare system are essentially cut off from their families and kept in foster care indefinitely. Women prisoners are justifiably fearful of any voluntary contact with the child welfare system, agencies avoid intervention except in emergency situations, and the children are deprived of the supportive services they may need, at least for a temporary period.

BALANCING RIGHTS AND RESPONSIBILITIES

We have described the deficiencies in the criminal justice and child welfare system which contribute to the societal neglect of children of women prisoners. Even if the problems inherent in each of these systems could be solved, children of women prisoners as a group would still pose a number of difficult legal and policy issues because of the conflicting interests of the children, their mothers, and the state. To what degree should the child's needs influence the way in which the state carries out its responsibility to protect the public interest? What is the state's obligation to children when it has deprived them of parental care? How can this obligation be balanced against the mother's right to privacy and self-determination? Does the child's right to enjoy a continuous relationship with his parent obligate the state to provide whatever resources are necessary to enable offenders to fulfill their parental responsibilities? To what degree should the length of the mother's sentence or the nature of her offense influence the decision to terminate parental rights? At what point should the child's needs for continuity of care supersede the mother's right to custody? Should the state or the mother have the burden of proving the mother's fitness to resume care of her children after her release from prison?

Before making any specific recommendations for change, it is important to specify the rights and responsibilities of each of the major parties that must be considered as changes are implemented. These are summarized in Table 1.

When the rights and responsibilities of inmate mothers and their children are outlined in this way, it becomes clear that there is no single answer to the problems of children of women offenders. To develop

Table 1

Rights and Responsibilities of Inmate Mothers, Their Children, and the State

Rights	*Responsibilities*
Child	
Care and protection by natural parents.	To obey the laws of the state.
Adequate and continuous substitute care if natural parents are unable to provide care.	To accept reasonable decisions of parents or substitute caretakers.
Care or placement in least detrimental alternative.	
To express personal preference regarding custody and residence.	
Full communication and association with family members.	
Adequate health care, education, and social services.	
Mother	
Privacy and freedom from unnecessary state intervention.	To provide adequate care and protection for children to best of ability.
Care and custody of children.	To seek adequate care for children when unable to provide such care herself.
Due process in proceedings affecting children.	To fulfill parental obligations in accord with state statutes; to ensure that children attend school and receive adequate medical care.
State	
To intervene in parent-child relationship when best interest of child demands it.	To protect welfare of all children; to ensure healthy development of children deprived of care by their own parents.
To protect the public interest by appropriate means of law enforcement.	To ensure civil rights (privacy, freedom of association, due process, equal treatment) of all citizens.
To impose appropriate penalties or restrictions for those convicted of criminal offenses.	To ensure due process to all those subject to state intervention.
	To provide adequate substitute care and placement in least detrimental alternative for children who cannot remain in their own homes.

coherent policies and programs for this population, we must clearly articulate and balance the rights of the individual versus those of society, the rights of children versus those of parents. Clashes and compromises are inevitable, but there are many areas in which needed changes may be identified.

VIEWS OF SURVEY RESPONDENTS

As the people most intimately involved with this social problem, and as people likely to have given considerable thought to potential solutions, inmate mothers and correctional administrators who participated in our mail survey were asked for their recommendations for change. The mothers' responses for needed changes in the correctional system tended to cluster in three categories: family-oriented programs and services, increased opportunities for contact with children, and supportive services which should be available to all incarcerated women.

Family-Oriented Programs and Services

The greatest number of suggestions made concerned desired services for incarcerated mothers and their children. Table 2 presents the recommendations for creating and improving family-oriented services.

Table 2

Family-Oriented Program and Service Suggestions Made by Incarcerated Mothers

1. *Parent education.*
   - Child psychology, family planning, and family living classes.
   - Small groups to discuss questions such as how to explain incarceration to children of various ages, or how to maintain an effective parent role with children who are being cared for by other people.
   - Opportunities to work in day care centers to gain experience with children.
2. *Counseling-therapy.*
   - Mothers' discussion groups.
   - Family counseling.
   - Parents Without Partners chapter.
3. *Provision of information to mothers* on matters related to the condition of their children.
   - Liaison worker to check regularly on children's care and to inform the mother about the children's conditions.
   - Full-time representative of the public child welfare agency at the correctional facility.
   - Better communication between the public department of social services and the prison.

Table 2 (cont'd)

Liaison worker to help mothers locate their children.

4. *Programming for children's visits.*
   - More planned activities for mothers and children during visits.
   - Children's day.
   - Picnics and other family get-togethers.
   - Group overnight outings for mothers and children.
   - Holiday dinners at prison for families.
   - Opportunity to take pictures of children when they visit.
   - Indoor playrooms and outdoor playgrounds for children during visits.
5. *Housing for children.*
   - Nurseries on prison grounds for infants up to one year of age.
   - Separate apartments or a separate cottage on prison grounds for mothers and their children.
   - Cottages or apartments located near, but not on prison grounds for pre-parole or work-release women and their children.
6. *Substitute caretakers.*
   - Information concerning availability of foster homes.
   - Foster homes and group homes for children located close to prison.
   - Foster homes for sibling groups.
   - Increased number of foster homes (so children need not be institutionalized).
   - Improved relationships between foster parents and inmate mothers accomplished by arranging for them to meet prior to the child's placement, encouraging regular visiting, and organizing ongoing discussion groups.
   - Visits to mother by child's caseworker.
   - Concrete help to regain custody of child and re-establish the home.
7. *Services for children in the community.*
   - Special educational programs.
   - Day care services.
   - Pre-school program.
   - Liaison between school personnel and women prisoners.
   - Provision for gifts to children on birthdays and holidays.
8. *Miscellaneous.*
   - Maternity leave.
   - Permission for prisoners to receive pictures of their children in the mail.
   - Information for inmate mothers about effects of incarceration on mothers and children.

Contact with Children

Many of the mothers' suggestions related to their desire for increased contact with their children. (See Table 3.) Although visiting seemed to be the primary concern, many recommendations were also offered concerning phone calls, furloughs and leaves.

Supportive Services for Inmates

Most of the service recommendations made by the mothers related directly to their children, but many women indicated that their competency as parents could not be separated from their physical, emotional, and economic concerns. (See Table 4.)

We certainly endorse many of these inmate mothers' recommendations. We also support the suggestions made to us by correctional officials who were anxious to promote the concept of community responsibility for the correctional system. They suggested, for example:

> Hiring ex-offenders who have found legitimate means of solving their problems as staff in correctional facilities.

Table 3

Recommendations Made by Inmate Mothers Concerning Contacts with Their Children

1. *Number of contacts.*
   More visits, telephone calls, and furloughs than currently allowed.
   Unlimited visits.
2. *Length of contact.*
   Longer visiting hours, telephone calls, and furloughs.
   Visits—overnight to one week.
3. *Quality of contact.*
   "Contact" visits (physical contact between mother and child).
   More appropriate settings for visits on prison grounds.
   Occasional visits with children off prison grounds (e.g., parks).
   Fewer correctional staff present during visits.
   More private telephone calls.
4. *Facilitating visits.*
   Visiting days and times varied (e.g., more weekdays, after school hours) so that it is easier for caretakers to bring children.
   Escort for unaccompanied children.
   Transportation directly supplied or caretakers reimbursed for the costs of transportation.
   System established whereby caretakers pool transportation for visits by children.
   Mandatory visiting policy so that visitation rights may not be legally denied or denied by agency or person(s) with custody of the children.
   Caretakers (husbands, foster parents particularly) urged to bring children to visit.

Table 4

Supportive Service Recommendations Made by Inmate Mothers

1. *Therapy/counseling.*
   More psychiatric and social work staff, easier access, fewer delays once treatment is requested.
2. *Legal services.*
   Information regarding parental rights.
   Legal representation in custody and divorce cases.
3. *Medical services.*
   More physicians and nursing staff.
   Inspection of sanitary conditions.
   Contraceptive counseling.
4. *Financial aid.*
   Information regarding public assistance.
   Increased allowances.
   Direct financial assistance immediately after release from prison.
5. *Drug treatment programs.*
   Group sessions with ex-addicts.
   Lowered age for methadone use.
6. *Recreational programs.*
   Crafts, sports, religious programs.
7. *Vocational and educational opportunities.*
   Better educational programs.
   Specialized training programs in nursing, homemaking, secretarial work, child care, cosmetology, and technical trades.
   Expanded work-release programs.
   Increased prison wages.
8. *Post-release services.*
   Social services.
   Counseling (to ease readjustment of parent and child).
   Housing.
   Mediation with former employers.
   Work opportunities.
   Financial support.
   Babysitters.
9. *Other.*
   Opportunities to speak to outside groups.
   Better shopping facilities in the canteen.
   Better library.
   More outside speakers.
   Personal grooming courses.

Recruiting minority group staff for facilities in which a large portion of the inmates are members of minority groups.

Initiating programs for staff in correctional facilities to sensitize them to the family concerns of inmates.

Involving community residents in planning and policy development and securing provisions for inmates in correctional facilities.

INNOVATIVE PROGRAMS

Fortunately, some communities have already introduced programs aimed at enhancing the familial ties of women offenders. Ranging from parent education to community release, these programs vary in the extent to which they strengthen family bonds, but each effort suggests alternative ways of responding to the needs of women offenders and their children. The Purdy Treatment Center for Women in Washington was described in chapter 1. Other examples include:

Oregon Women's Correctional Center

This state correctional facility has developed an "integrated services project" staffed by a social worker and a vocational rehabilitation counselor from the State Department of Human Resources, and a corrections counselor from the prison. This team is responsible for maximizing resources currently available in the facility and community, developing new resources, providing more effective patterns of service, and coordinating and facilitating the services and programs of other state agencies. A key member of this team is the social work representative from the Children's Service Division, who tries to convey to each resident at the *beginning* of her stay that he views her as a person with familial roles and responsibilities, that he is available to render help on any family problems, and that he would welcome seeing her regularly or whenever she has a specific problem. The services most often provided by this worker are counseling with individuals and family groups and liaison-advocacy activities with relatives and representatives of various community agencies. For example, he encourages visits to the mother by caseworkers, children, and foster parents; serves as the mother's liaison with members of the mother's family, the courts, schools, and other community agencies; and attempts to ensure that the dependent children of residents get the financial aid to which they are entitled. In all of the

facility's programs, heavy emphasis is placed on the utilization of community-based educational and training programs.

Minnesota Correctional Institution for Women

A weekly mother's discussion group is conducted at this facility by two family life educators from the Minneapolis Family and Children's Services. The family life educators who lead the groups serve as facilitators of the group process, information givers and teachers, and liaisons and advocates between the inmates and the community. Group discussions cover the following topics: how to explain incarceration to children, problems of separation, child development concepts, family reunification, family origin and its effects, rights of mothers in prison, and reentry into the community.

The South Forty Corporation

This is a private, nonprofit organization whose purpose is to rehabilitate prisoners and to facilitate their successful return to society. The organization runs several special programs for residents in New York prisons, two of which have special relevance for children of women prisoners. The first, the South Forty Hills Project at Bedford Hills Correctional Facility for women, is a "motivational-vocational" program which prepares a group of twenty women for study release, work release, or parole release. One of the key components of the program is the community resource session, in which guest lecturers share their knowledge of training programs, community projects, educational opportunities, and human services. The second program is the Family Service Project. A family service counselor functions as counselor, liaison, and advocate. An important part of her job is helping to maintain the parent-child relationship in every possible way by helping children visit their parents and opening channels of communication.

Mabon Odyssey House

This is a therapeutic community in New York City which houses drug addicted mothers and their children. The program is designed to develop self-awareness, a positive self-image, and the capacity to take responsibility for one's own actions. It relies heavily on group encounter sessions as a therapeutic modality, but also employs individual therapy, vocational counseling, and activities therapy. The women are expected to spend a certain portion of each day with their children, but the children

are cared for in group quarters and certain residents have assigned duties in the nurseries. Many women enter the Mabon program because, unlike other therapeutic communities for addicts, they are permitted to care for their children. The program is designed to help women develop positive relationships with their children, learn basic mothering skills, and make realistic plans for themselves and their children after release.

New Jersey Division of Youth and Family Services

This state child welfare agency has developed a liaison program with the New Jersey Correctional Institution for Women in which a social worker is assigned to the prison to help pregnant inmates make plans for their expected children and to meet regularly with mothers of children in foster care. In conjunction with this program, the agency developed a special foster home located near the prison for three to five infants who are born while their mothers are incarcerated. Any mother who is within a year of parole and not "on discipline" can request to have her child placed in the home; after placement the mother is encouraged to spend one day a week in the foster home developing a relationship with her child and learning to provide adequate care.

Iowa Community-Based Corrections Program

This program, which was designated as an exemplary project by the National Institute of Law Enforcement and Criminal Justice, offers several alternatives to commitment to a correctional facility. The four major components of the program are pre-trial release screening, pre-trial community supervision, the county-administered probation unit, and the community-centered correction facilities. The ultimate goals of this program, and of the many similar programs developed in other communities, are to protect the community from additional crime and to help the defendant become more integrated into the community by utilizing community resources. A higher percentage of women than men receive services in the community during the pre-trial period because women present less risk to the community and are much less likely to leave the community or to fail to appear for trial since they often have strong family ties. Promotion of family life is not a major objective, even though there is a clear recognition of the value and importance of familial ties throughout the program. Although the benefits for children of women offenders served by this program appear to occur more by accident than by design, the program could be used to enhance family life if it were designed to provide services such as family counseling and parent education.

We conducted no formal evaluation of any of these programs. The program administrators are quick to point out their many problems and limitations. However, efforts such as these are important because they represent an attempt to deal with the familial needs and responsibilities of women offenders, and suggest some of the types of programs which might be introduced in other communities.

RECOMMENDATIONS FOR CHANGE

Programmatic changes such as those recommended by inmate mothers and prison administrators and those attempted in the agencies described above are essential. But the development of small, isolated programs for women offenders and their children—no matter how innovative and effective—is not enough. To meet fully the needs of this population, it is necessary to modify some of the basic policies of the criminal justice system and to make changes at each significant point in this system.

The primary recommendation we must make is that, *insofar as possible, women should be diverted from the criminal justice system.* As discussed earlier, the mounting criticism of the criminal justice system has created widespread support for depopulation of prisons and the development of community alternatives to incarceration.[11] Only a small proportion of the women in prison have been convicted of crimes of violence. Certainly, those women who pose a danger to the community must be incarcerated, but alternative forms of punishment such as fines and community-service work assignments, restitution and intensive probation supervision are feasible for most of the female inmate population. The potential benefits to these mothers and their children are obvious.

Unfortunately, despite increasing support for diversion programs and strong evidence suggesting that incarceration is an ineffective rehabilitative tool, there is no evidence that promises a sharp reduction in inmate population in the immediate future. What can be done now to ensure the welfare of the children of women who do enter the criminal justice system and are incarcerated? We believe the following principles are basic to any attempts to answer that question:

1. The child's welfare should be considered at each point in the criminal justice system.
2. Although the correctional system may not have the capacity to

[11]See Michael S. Serrill, "Critics of Corrections Speak Out," *Corrections*, March 1976, pp. 3-8, 21-29, for further discussion of this point.

improve poor mother-child relationships, it has a responsibility to protect existing family ties and to engage in efforts to minimize any potential damage to the child resulting from the mother's incarceration.

3. If the state deprives the child of parental care by incarcerating the mother, it has a responsibility to insure the welfare of the child during the mother's imprisonment.

4. Inmate mothers should be treated not simply as individuals in need of training and rehabilitation but also as members of family units with specific parental rights and responsibilities.

5. The criminal justice and social welfare systems must develop closer policy coordination and service integration to meet the needs of inmate mothers and their children.

In accordance with these principles, the state should assume responsibility for initiating the following series of policy and programmatic changes at each point in the criminal justice system.

At the Time of Arrest

The police department should develop guidelines regarding the responsibilities of an officer making an arrest of a parent with dependent children. These guidelines should require that all adults be asked if there are any children for whom they have sole responsibility, and if so, that these parents be given an opportunity to explain the situation to their children and to make appropriate arrangements for their care. If the parent(s) are not able to make private arrangements, the arresting officer should be required to make a referral to the responsible child welfare agency.

Child welfare departments should develop guidelines to aid police and court officials in situations where children should be referred for care and describe procedures to be followed in such cases. The child welfare department should maintain readily accessible emergency foster homes or group homes for children requiring temporary care when their mothers are detained. To expedite planning for children at the time of arrest and arraignment, consideration should be given to the feasibility of assigning child welfare liaison workers to police departments and criminal courts. In addition, training programs should be offered to personnel in the criminal justice system regarding the developmental needs of children and the ways officials could minimize potential harm to children while carrying out their duties.

During the Pre-Trial Period

The judiciary should require pre-trial investigation and probation workers to report fully on the defendant's family responsibilities and to make appropriate referrals for child welfare services when necessary. In addition, the judiciary should assume responsibility for developing guidelines regarding the detention of mothers (or single parents) with dependent children and the custody of their children. Such guidelines should take into account the risk of separation for children.

Detention facilities should develop services designed to enhance each mother's capacity to fulfill her parental responsibilities and to minimize the effects of separation on her children. These services should include the provision of adequate information regarding placement alternatives, open-visiting policies for children and caretakers, and easy access to telephones and mail so that open communication can be maintained.

After Conviction

The judiciary should develop guidelines for the sentencing of women or single parents with dependent children. Such guidelines should prohibit the use of out-of-state, indeterminate, or lengthy sentences which are likely to have an adverse effect on the parent-child relationship, except when the protection of the community requires such a sentence.

The judiciary should also develop clear guidelines regarding grounds for termination of parental rights for children of offenders. Such guidelines should place primary emphasis on the current and future needs of the child; the parent's status as a convicted felon or prisoner should not be the determining factor in a decision to terminate parental rights.

The child welfare department should provide all incarcerated parents with full information about placement alternatives for their children. If a mother chooses to place her child informally with a relative or friend, the child welfare department should assess the adequacy of the child's living situation, ensure that the child's caretaker has proper legal authority to care for the child, and provide all the financial benefits (AFDC or foster care payments) and services guaranteed by law.

If the mother chooses to place her child in foster care voluntarily, or if, after appropriate hearings, the decision is made by the state to place the child in a more appropriate home pending the mother's

release from prison, the child welfare department should encourage the mother's participation in the placement process, provide her with full continuing information about the child's progress in care, and make provisions for regular contact between mother, child, and foster parent.

If parental rights are terminated by judicial action or voluntary surrender by the parent(s), the child welfare department should act as expeditiously as possible to secure and authorize a suitable permanent home for the child.

During Incarceration

State correctional agencies should assume responsibility for developing smaller, community-based facilities so that women can maintain family and community ties during their incarceration.

Correctional facilities should review current visiting policies and make necessary revisions to encourage children of all ages to visit frequently at convenient times in pleasant surroundings; for example, abolish restrictions on length and frequency of visits, provide transportation to the facility, create special visiting areas, and develop facilities for extended and overnight visits. Correctional facilities should also move immediately to grant free and reasonable telephone and mail privileges to inmates to encourage frequent communication between parents and children.

Correctional facilities should develop guidelines for granting emergency furloughs to mothers when problems arise regarding their children's care or adjustment.

Correctional facilities should establish programs designed to enhance inmates' capacities to fulfill their parental obligations, such as parent education programs and liaison programs between the prison and schools, hospitals, and other community agencies.

Correctional facilities should be required to establish a range of high quality educational and vocational training programs that would prepare women to obtain decent employment after their release. They could be trained, for example, as computer programmers, bookkeepers, home health aides, beauticians, chefs, or secretaries.

Correctional facilities should examine the feasibility of establishing halfway houses providing housing and supportive services for mothers and children and "mother release" programs similar to existing work-release programs.

Community social welfare agencies should study the feasibility of

establishing family support services for inmates, such as child development classes, mothers' discussion groups, parent-child counseling, family legal services, and liaison programs between mothers, children, caretakers, and community agencies.

After Release

Parole boards should develop guidelines for reviewing cases of inmates eligible for release which consider the family responsibilities of potential parolees.

Parole officers should be required to inquire about parolees' children and to help mothers secure services and resources necessary to help them provide adequate care.

The child welfare department should provide the necessary services and financial benefits to mothers so that they can resume custody of their children as quickly as possible whenever they show serious intent to re-establish a home for their children. In addition, the child welfare department should provide intensive after-care services to mothers and children to strengthen the family unit during the difficult readjustment period.

RESPONSIBILITY FOR CHANGE

The changes proposed are directed toward enhancing societal responsibility for meeting the needs of this neglected population through public agencies and officials. However, there is much that women's groups, prisoners' rights organizations, child advocates, and other concerned citizens can do to raise concern for the needs of inmate mothers and their children and press for public action to meet such needs.

The question of who should take responsibility for which programs must be decided in relation to existing needs and resources in the local community. One means of drawing attention to the problems of inmate mothers and their children is through mass media; another is for interested groups to ask official agencies what they are doing to address the needs of this population.

For example, at the federal level, the Bureau of the Census should be asked to collect data on the children of inmates when making the census of Persons in Institutions: How many children do inmates have? How old are they? Where are they living? Similarly, the Department of Justice should be asked to collect more adequate annual and single-day census data on women arrested, detained, and incarcerated in federal, state, and

local prisons and jails. At the state level, questions should be addressed to criminal justice agencies regarding the number of children affected by the arrest, detention, and/or incarceration of their mothers during a year, and administrators of local correctional facilities should be asked for data about the children of their inmates.

Officials in local criminal justice and social welfare agencies should be queried on a variety of issues. For example, police departments should be asked about their procedures for processing a female arrest. Do they inquire whether the woman has dependent children and, if so, who is available to care for them? Is she given time to talk with her children and make arrangements for their care? When a responsible relative cannot provide care, are the children referred to the public child welfare agency? Similarly, probation officers, public defenders, and judges should be asked how they handle women who have dependent children. Do they know where to refer the children? Do they always ask women about their children? Correctional officials should also be questioned about relevant policies and procedures. For example, how many of the inmates have children? How often are children permitted to visit and where? Can inmates make telephone calls to their children's caretakers? Can emergency care be arranged if the children are experiencing problems?

It is equally important for child welfare officials to be reminded of their responsibilities to these children. Are child welfare workers available in the courts and correctional facilities to help the mother plan for her children? Do they have foster homes accessible to the prison? Are informal caretakers provided the same supports and services as foster parents? What are their policies regarding discharge of children following their mother's release from prison?

Posing questions such as these to responsible public officials is an essential first step in the advocacy process. Monitoring alone seldom produces change, but it can create the necessary pressure for change by focusing public attention on specific failings and inadequacies of official agencies. Moreover, questioning of this type should provide advocacy groups with the data they need to evaluate how such children are treated in their community and to select possible targets for change.

In addition to monitoring, there are other important actions which advocacy groups can take. For example, at the legislative level, there should be strong lobbying for bills aimed at:

Decriminalizing prostitution and other victimless crimes.

Providing a wider range of sentencing options such as fines and community work assignments.

Increasing funding for community-based correctional programs.

Strengthening preventive services and after-care programs for children in their own homes.

Widening eligibility for foster care payments to include all relatives caring for dependent children.

Litigation might also be an effective means of expanding the rights of inmate mothers and their children. For example, legal rights organizations might attempt to bring suits aimed at establishing the child's right to maintain a relationship with his mother or to be freed for adoption. This could involve challenges to restrictive visiting, telephone and mail policies, out-of-state incarcerations, inadequate provisions for transportation, and denials of furlough. Other court challenges might be directed toward establishing the child's right to financial support and adequate care and supervision during the time the mother is incarcerated. In states in which there are work-release programs, it might be possible to file an equal protection suit on behalf of women whose primary work is child care in order to justify establishment of "mother-release" programs.[12] And termination of parental rights solely on the grounds of incarceration or criminal conviction might be challenged on the grounds of cruel and unusual punishment.

There are, of course, many other approaches advocacy groups could take. There are also a number of critical direct services which could be provided by interested community groups:

A parent's rights handbook should be prepared and distributed to all defendants with dependent children describing their rights and responsibilities in regard to their children and the community service options available to them and their families.

Discussion groups, child development and homemaking classes, family counseling, and family law classes should be offered to mothers in correctional settings.

Individual and group counseling should be offered to children of offenders to help them deal with the many problems they may experience as a result of their parents' imprisonment.

Specialized foster homes and group residences should be developed for children of offenders in order to increase the range of child-care options available to inmate mothers.

Volunteer transportation services should be developed for families of offenders.

[12]See Richard Palmer, "The Prisoner Mother and Her Child," *Capital University Law Review*, vol. 1 (1972), pp. 127–144, for further discussion of the "mother release" concept.

Family liaison programs should be established in which volunteers would act as mediators and advocates for inmate mothers in the outside community.

Work opportunities, housing resources, and social support networks should be developed for families attempting to reunite after the mother's release from prison.

In the past, community groups have shown little interest in these children. There are several explanations for this. First, this is a relatively small population for whom there are no simple solutions and for whom there is no obvious base of community support. And, as a group, inmate mothers are often difficult to work with. They have frequently been disappointed by other volunteer groups and tend to be suspicious and guarded with outsiders. Prison officials may also create barriers for the advocate by their insistence on complicated security measures, limited visiting hours, and restrictive telephone privileges, which make it difficult for outsiders to communicate with inmates. Confidentiality may be used as an excuse for not providing necessary information. Finally, both the inmates and their keepers—for different reasons—are likely to convey the impression that it is a hopeless situation and nothing can be done to help.

Yet we believe there is some basis for optimism at the present time. Emerging prisoners' rights, women's rights, and children's rights groups all provide natural constituencies for children of women offenders. Much could be accomplished if these groups were to focus some of their attention on the needs of this population. Further, we were astounded by the amount of interest and the unanimity of responses we received in our survey of correctional administrators and inmate mothers. These groups should certainly be receptive to any advocacy efforts, and they have pointed out clear directions for change.

In conclusion, we would like to stress that the importance of attending to the needs of inmate mothers and their children should not be minimized. The Committee for the Study of Incarceration, an interdisciplinary group composed of several of the leading national authorities in the criminal justice field, recently published a report of a four-year investigation in which they noted:

> Law, in a good society at least, must preserve not only the society but its ideals and values as well. And, in so doing, it must balance its desire for stability and order against other values. Security, safety, survival may be fundamental—but there are limits. A good society must examine the methods of its survival to make sure that that which survives is still worthy. For

> that reason, one of the truest indices of the quality of life in a state is the way it responds to those who defy its laws.[13]

Our intent in this report has not been to romanticize the plight of inmate mothers or to suggest that convicted criminals should not be held responsible for their actions. But the familial responsibilities of women offenders and the welfare of their children should be considered at each point in the criminal justice process. The state must constantly seek to balance its obligation to protect the general welfare with its responsibility to protect the rights of individual children. Certainly, no humane society, either through ignorance or neglect, should tolerate the punishment of children for the offenses of their parents.

[13]Willard Gaylin and David J. Rothman, "Introduction," in Andrew Von Hirsch, *Doing Justice: The Choice of Punishments* (New York: Hill and Wang, 1976), p. xxxviii.

Appendix 1 / U.S. Census Data on Female Inmates*

Age

	Number	*Percent*
Under 20	2,219	15.6
20–24 years	3,705	26.1
25–34 years	4,096	28.8
35–44 years	2,159	15.2
45–64 years	1,540	10.8
65 and over	501	3.5
Total	14,220	100.0

Race

	Number	*Percent*
White	7,765	54.6
Black	5,980	42.1
Other	475	3.3
Total	14,220	100.0
Spanish origin	616	4.3

*All statistics are drawn from *Persons in Institutions and Other Group Quarters*, U.S. Census Bureau Data on Female Inmates, 1970, (Washington, D.C.: U.S. Govt. Printing Office, 1973), pp. 36–41.

Marital Status

	Number	*Percent*
Single	5,575	39.6
Married, spouse absent	5,450	38.7
Separated	(1,952)	(13.8)
Other	(3,498)	(24.8)
Widowed	1,198	8.5
Divorced	1,873	13.3
Total	14,096	100.0
Total ever married	8,521	60.4

Area of Residence

	Number	*Percent*
Northeast	2,130	15.0
North Central	2,839	19.9
South	6,000	42.2
West	3,251	22.9
Total	14,220	100.0

Education

	Number	*Percent*
None	199	2.4
Elementary		
1–4 years	430	5.2
5–7 years	1,292	15.6
8 years	1,053	12.7
High school		
1–3 years	2,920	35.2
4 years	1,634	19.7
College		
1–3 years	564	6.8
4 years or more	204	2.5
Total	8,296	100.0

Median Years Completed: 10.2.

Vocational Training

	Number	*Percent*
None	11,069	81.7
Business, office work	701	5.2
Nursing, health fields	456	3.4
Trades and crafts	769	5.7
Science, technical	61	.5
Agriculture, home economics	135	.9
Other	361	2.6
Total	13,552	100.0

Work History

	Number	*Percent*
Worked during last 10 years	8,809	74.9
Last worked in 1959 or earlier	648	5.5
Total never worked	2,343	19.8
Total	11,800	100.0
Total with work disability	2,548	17.8

Income 1969

Amount	*Number*	*Percent*
None	6,338	45.0
Under $2,000	5,617	39.9
$2,000–$3,999	1,426	10.1
$4,000–$5,999	361	2.6
$6,000–$7,999	178	1.3
$8,000–$9,999	83	.6
$10,000–$14,999	66	.5
$15,000 or more	27	.2
Total	14,096	100.0

Source of Income

	Number	*Percent*
Wages or salary	5,711	63.2
Self-employed	126	1.4
Social security	393	4.3
Public assistance	1,266	14.0
Other	1,540	17.0
Total	9,036	100.0

Appendix 2 / List of Respondents in National Survey

Inmates, Mothers and Children by State and Facility

State/Facility	*Total Number of Female Inmates*	*Total Number of Mothers*	*Percentage of Inmates Who Are Mothers*	*Total Number of Children*
Alabama				
Julia Tutwiler Prison	157	111	70.7	281
Alaska				
Department of Corrections	17	NA	NA	NA
Arizona				
Arizona State Prison	73	NA	69.0[c]	NA
Maricopa County Jail	34	20	58.8	NA
Arkansas				
Women's Reformatory	66	51	77.3	137
California				
California Institute for Women	735	564[s]	76.7[s]	1,064[s]
California Rehabilitation Center for Women	243	NA	75.0[c]	NA
Santa Rita Rehabilitation Center	106	NA	NA	NA

Inmates, Mothers and Children by State and Facility (Cont.)

State/Facility	*Total Number of Female Inmates*	*Total Number of Mothers*	*Percentage of Inmates Who Are Mothers*	*Total Number of Children*
California (cont.)				
Sybil Brand Institute, Los Angeles	700[c]	NA	NA	NA
San Bernardino County Jail	68	43	63.0	113
San Diego County Jail	115	NA	NA	NA
Villa del Sol, San Diego	31	20[a]	65.4[a]	45[a]
Ventura County Jail	37	26	70.3	57
Northern Reception Center[y]	47	4	8.5[y]	6
Ventura School[y]	261	77	29.5[y]	91
County of San Joaquin	35	13	37.1	22
Colorado				
Women's Correctional Institute	70	59	84.3	179
Connecticut				
Correctional Institute, Niantic	83	NA	80.0[c]	NA
Delaware				
Women's Correctional Institute	23	11	47.8	34
District of Columbia				
Women's Detention Center	50[c]	NA	NA	NA
Florida				
Florida Correctional Institute	429	293[s]	68.4[s]	826[s]
Dade County Jail	54	NA	NA	NA
Georgia				
Georgia Rehabilitation Center for Women	312	NA	85–90[c]	NA
Fulton County Jail	50[c]	NA	85[c]	NA
Hawaii				
Honolulu City and County Jail	2	1	50.0	1
Idaho*				
Napa State	6	NA	NA	NA
Illinois				
State Reformatory for Women	114	83	72.8	203
State Training School for Girls[y]	51	5	9.8[y]	6

Inmates, Mothers and Children by State and Facility (Cont.)

State/Facility	*Total Number of Female Inmates*	*Total Number of Mothers*	*Percentage of Inmates Who Are Mothers*	*Total Number of Children*
Indiana				
Women's Prison	114	74	64.9	178
Iowa				
Women's Reformatory	51	39	76.5	109
Kansas				
Correctional Institute for Women	43	33	76.7	106
Kentucky				
Correctional Institute for Women	97	71	73.2	186
Louisiana				
Correctional Institute for Women	114	78	68.0	186
Maine				
Women's Correctional Center	21	11	52.4	24
Maryland				
Correctional Institute for Women	160[c]	NA	77.0[s]	NA
Massachusetts				
Correctional Institute, Framingham	60	41	68.3	91
Michigan				
Detroit House of Correction	230	NA	NA	NA
Oakland County Law Enforcement	24	19	79.2	NA
Minnesota				
Correctional Institute for Women	49	37	75.5	69
Mississippi				
State Penitentiary	65[c]	NA	50.0[c]	NA
Missouri				
State Correctional Center for Women	90	90[s]	100.0[s]	190[s]
St. Louis Municipal Jail	39	30	76.9	70
Montana				
Department of Institutions	0	0	0	0

Inmates, Mothers and Children by State and Facility (Cont.)

State/Facility	Total Number of Female Inmates	Total Number of Mothers	Percentage of Inmates Who Are Mothers	Total Number of Children
Nebraska				
State Reformatory for Women	65	23	35.4	51
Nevada				
Women's Prison	35	23	65.7	63
New Hampshire*				
Representative of state	0	0	0	0
New Jersey				
Correctional Institute for Women	200	NA	70–80[c]	NA
New Mexico				
Women's Division	34	28	82.4	84
New York				
Bedford Hills Correctional Facility	391	NA	70–80[c]	NA
Nassau County Jail	26	17	65.4	68
North Carolina				
Correctional Center for Women	427	NA	NA	NA
North Dakota				
Director of Institutions	0	0	0	0
Ohio				
Reformatory for Women	280	207[s]	73.8[s]	492[s]
Cincinnati Community Correctional Institute	31	25	80.6	66
Oklahoma				
State Penitentiary	82	65	79.3	220
Oklahoma City Women's Treatment Facility	49	30	61.2	71
Oregon				
Women's Correctional Center	55	42	76.4	84
Pennsylvania				
State Correctional Institute, Muncy	170	NA	67.0[c]	NA
Rhode Island				
Adult Correctional Institute—Women's Division	12	9	75.0	22
South Carolina				
Women's Correctional Center	151	109	72.2	298

Inmates, Mothers and Children by State and Facility (Cont.)

State/Facility	Total Number of Female Inmates	Total Number of Mothers	Percentage of Inmates Who Are Mothers	Total Number of Children
South Dakota				
Women's Correctional Facility	4	2	50.0	8
Tennessee				
Prison for Women	128	68	53.1	202
Texas				
Goree Unit (Women's Prison)	646	271	42.0	NA
Utah				
State Prison (Women's Division)	13	11	84.6	21
Vermont				
Division of Corrections	15[c]	NA	NA	NA
Virginia				
State Industrial Farm for Women	186	142	76.3	402
Richmond City Jail	31	22[s]	71.4[s]	NA
Bon Air School for Girls[y]	146	14	9.6[y]	15
Washington				
Purdy Treatment Center for Women	135	91	67.4	206
West Virginia				
State Prison for Women	25[c]	NA	95.0[c]	NA
Wisconsin				
Wisconsin Home for Women	81	41	50.6	92
Wyoming*				
State Board of Charities and Reform	0	0	0	0
Puerto Rico				
Industrial School for Women	69	44	63.8	147
Federal				
Alderson, West Virginia	481	NA	66.6[c]	NA
Terminal Island, Los Angeles	135	NA	NA	NA
Fort Worth, Texas	112	NA	NA	NA
Robt. F. Kennedy, West Virginia	38	30	80.0	NA

*Indicated that facilities in other states are utilized for female prisoners.
[c]Estimated.
[s]Estimate based on sample.
[a]Estimate based on annual count.
[y]Youth facility.
NA Not available; not answered.

Appendix 3 / Supplementary Data from National Survey

Age of Children

	Number	*Percent*
Under 1 year	188	4.2
1–3 years	840	18.8
4–6 years	848	19.0
7–9 years	907	20.3
10 years or over	1,678	37.6
Total	4,461	100.0

Number of Children per Inmate Mother

Number of Children	*Number*	*Percent*
1	661	33.0
2	532	26.6
3	330	16.5
4	215	10.8
5	114	5.7
6	147	7.4
Total	1,999	100.0

Age of Mother

	Number	*Percent*
Under 18	32	1.5
18–24	813	38.4
25–34	756	35.7
35 and over	517	24.4
Total	2,118	100.0

This includes 30 women in four youth facilities.

Appendix 4 / Description of Study Site and Supplementary Data from Local Study

The New York City Corectional Institution for Women (NYCCIFW), on Riker's Island near La Guardia airport, is cornered by the boroughs of Queens, Manhattan, and the Bronx. Although within the city limits of New York, it is not readily accessible by public trarsportation. Travel to the island is strictly controlled; a pass to enter NYCCIFWis required at innumerable checkpoints.

The institution, opened in 1971, houses women who are in detention awaiting trial in New York City,and those who have been sentenced to one year or less. Although the facility ha a capacity of 679, the average daily census is 425—approximately two-thirds n detention and one-third serving sentences. The women in detention have been considered poor bail risks by the court or have been charged with serious ofenses. Those who have been tried and sentenced have usually been convicted of minor offenses such as shoplifting or prostitution.

All sentenced womenare required to work, almost exclusively in institutional maintenance jobs—in the laundry, kitchen, commissary, sewing room, or in sanitation—with a pay range of twenty-five to fifty cents an hour. Since detained women are not requiredto work and there are few jobs available to them, they have much idle time on their hands. The women move relatively freely throughout the building. Whilethey do not have to be accompanied by a guard at all times, they must have apass if they are not moving with a large group.

At NYCCIFW, a school offers business courses and preparation for the high

school equivalency exam. Some women attend evening courses offered by John Jay College at the men's facility on Riker's Island. There is also a large auditorium/chapel for church services or musical shows, a beauty parlor where women learn cosmetology, a sewing factory, a small library, a smaller law library, a hospital and clinic, a social service department, a gym, and mess halls. In addition, people from the community offer a variety of services, but they are uncoordinated and poorly publicized. A developmental unit has been set up recently as an experimental "halfway house" behind prison walls.

Information about the facility, schedules, services, and regulations is given to the residents in separate guidebooks for detained and sentenced women. Our impression is that the staff tries to relieve the boredom and discomfort of residents by offering various vocational, educational, and recreational activities, by relaxing some of the rigid rules which characterize other correctional facilities, by providing residents with a systematic procedure for filing complaints, and by affording them an opportunity to participate on the Inmate Council. Despite such efforts, the policies and practices of this large, secure facility are dominated by the need for control within institutional boundaries and the desire to process inmates as efficiently as possible. Consequently, the women are treated in a routinized and somewhat demeaning manner which consistently conveys the message that they cannot be trusted or treated as responsible adults. This message is communicated in many ways, including the restrictive phone policies, visiting policies, furlough and work-release policies. For example, these rules are from the 1973 "Guide for Sentenced Inmates":

> *Phone Messages:* You may never use an institutional phone without permission. Upon admission, any number of calls you have funds to pay for may be made for you; in addition, one free call is allowed for you to any part of New York, New Jersey or Connecticut. From housing, necessary calls may be made through Social Service on written request.
>
> *Family and Friends:* You are permitted one visitor per day for a one hour visit weekly, on alternate Saturdays and Sundays, 1–3 P.M. from your family and/or friends over 16 years of age, who can properly identify themselves. Additionally, on Monday evenings only, your child, under 16, may visit you—provided that the child's birth or baptismal certificate or a letter from an accredited social agency is presented and the child is accompanied by a properly identified person over the age of 16. All visitors will be searched before each visit.

In summary, despite efforts to make NYCCIFW a more humane institution, attitudes, policies and procedures tend to negate this end. Moreover, the available help is received by the inmate in isolation from her family and community. It is not surprising, therefore, that incarceration at NYCCIFW may lead to further fragmentation and destruction of family relationships.

Demographic data, as well as information on the alleged offenses and prior incarceration of the women in the Riker's sample, are presented below.

Age of Inmates

	Number	*Percent*
18–20	14	22.2
21–24	19	30.2
25–34	23	36.5
35 and above	7	11.1
Total	63	100.0

Ethnicity

	Number	*Percent*
White	5	7.9
Black	53	84.1
Puerto Rican	5	7.9
Total	63	99.9

Marital Status

	Number	*Percent*
Single	32	50.8
Married	9	14.3
Widowed	4	6.3
Divorced	4	17.5
Separated	11	17.5
Common-law	3	4.8
Total	63	100.0

Education of Mothers

	Number	*Percent*
8th grade or less	7	11.1
9th through 11th grades	31	49.2
High school graduate or High school equivalency	17	27.0
Some college or full college	8	12.7
Total	63	100.0

Occupation of Mothers

	Number	*Percent*
Professional-managerial	4	6.4
Skilled and semi-skilled	21	33.3
Unskilled	19	30.1
No job (during past 5 years)	19	30.1
Total	63	99.9

*Alleged Offenses**

	Number	*Percent*
Crimes against person	8	12.9
Crimes against property	25	40.3
"Victimless" crimes	24	38.7
Multiple charges or convictions from different categories	5	8.1
Total	62	100.0

*Although the administration of NYCCIFW reported that approximately 85 percent of the population were drug addicts, only eleven (17.5 percent) of the charged offenses were specifically drug-related (possession or sales). However, many of the property offenses may have been drug-related.

Number of Previous Incarcerations

	Number	*Percent*
None	9	33.3
Once or twice	8	29.6
Three, four, or five times	3	11.1
More than five times	7	25.9
Total	27	99.9

Appendix 5 / Methodology

This was an exploratory study designed to obtain initial baseline data about inmate mothers and their children. When the study began, little was known about the size of this population, the range of problems experienced, the types of community supports available, or the attitudes and behavior of criminal justice officials toward them. Our concern about this population was rooted in the occasional "horror stories" we had heard from clients, correctional officials, and child welfare workers about what had happened to individual children whose mothers were incarcerated. However, we had no way of knowing whether these were isolated examples or whether these children did, in fact, constitute a sizable, at-risk population requiring increased societal attention. We also did not know whether this was a parochial concern reflecting problems that are peculiar to New York City or whether the incidents described to us were typical of what was happening to inmate mothers and their children across the country. Therefore, we decided that a first essential step was to try to obtain data about the size and parameters of what we feared might be a serious national problem. At the same time, since we had been asked to investigate what was happening to children of women prisoners in New York City, we decided to undertake more intensive exploratory research in a local facility.

Hence, the study as initially conceived had two major components: a national mail survey of correctional administrators and a series of interviews with female inmates in a local correctional facility. Later, on the basis of our preliminary findings from these two sources, we decided to try to obtain somewhat more sys-

tematic national data and to round out the New York City data by conducting a series of interviews with correctional officials, child welfare workers, and children of women prisoners old enough to share their experiences with us.

Had we known initially that we would uncover a problem of such serious dimensions, we would have designed the research quite differently and tried to make provisions for filling the obvious gaps in our study. For example, as the reader will note in our description of methodology below, we were hampered in our analysis by the lack of random samples as well as by the small size of the sample in the local study; because the inmate mothers provided our only source of data on their children, we were unable to assess the reliability or validity of what they reported. However, the project simply grew like Topsy; we are reporting our findings now, not because of any pretensions about the research design, but rather because we are convinced that responsible public officials and the community should be told what we have learned about the extent and severity of this problem so they can begin to consider solutions. We hope that other researchers will be able to examine more carefully some of the issues we have identified, at the same time avoiding some of the pitfalls we encountered. If our report stimulates additional, more systematic research, we will be satisfied. That, after all, is the primary purpose of an exploratory study.

NATIONAL STUDY

The mailing list for the national survey was selected from the American Correctional Association's 1973 Directory of Correctional Facilities. A facility was placed on the list if it was reported to have at least 25 women residents and if the age range of inmates was primarily sixteen years of age and above (youth facilities were included when the age range extended to twenty-one). If a facility was large (over 250 residents) but did not report the number of female residents, a letter of inquiry was sent. We also sent letters to state departments of corrections, institutions, social services, and so forth, when these were listed as the department with delegated responsibility for correctional services within the state. Our original mailing was sent to 161 agencies and facilities in 49 states, Puerto Rico, and the District of Columbia.

Our initial request for information was a brief, open-ended letter sent in January 1974. We hoped that this approach would encourage administrators to express their ideas on the subject of inmate mothers and their children. When we received a response to our initial mailing, we replied on an individual basis as quickly as possible. In this reply, we commented on the information that had been provided and enclosed a two-page questionnaire. We asked the prison administrators to complete the first page, which contained questions about the total number and the ages of inmate mothers and children. The second page contained questions to be answered by inmate mothers. It was kept as brief and open as possible in the hope that the women would be less reluctant to complete a questionnaire of this type.

We received a variety of responses to this mailing. Some administrators indicated that they lacked sufficient staff to cooperate with us any further. Of the forty-seven who responded, five completed the statistical questionnaire but did

not distribute the questionnaire for inmate mothers; six did exactly the reverse. Thirty-one provided information for both questionnaires. An additional six developed their own questionnaires based on our inquiries.

During April 1974, we sent out a series of follow-up letters to every facility that had responded to our initial mailing but not to the questionnaires, and to selected facilities that had not responded to our initial mailing. From this latter group, we eliminated youth departments and youth facilities, several smaller county jails, and most correctional departments.

We received some kind of written response from 91.1 percent of the state facilities, 42.5 percent of the city and county facilities, 60 percent of the youth facilities, and 50 percent of the federal facilities. At the end of our data collection period, there were only five states that had not sent us any information (including New Hampshire, which was not contacted in our initial mailing). We contacted all of these by telephone, and they supplied some, albeit less complete, information.

It is very difficult to assess the reliability and validity of our data because of the lack of any independent sources of data about this population. Our findings about the total number of women inmates and the proportion who are mothers are consistent with prior efforts to estimate the size of this population.* However, there were some inconsistencies in the figures reported by correctional administrators. We have no reason to suspect any deliberate distortion or systematic bias in the data reported; rather, because of the inadequacy of the management information systems maintained in most prisons, we think we were often given estimates rather than precise figures.

We are even less certain about the accuracy of information provided by the inmate mothers. Again, we have no reason to suspect any systematic bias. However, the common problems associated with the use of mail questionnaires were compounded by problems peculiar to this population—in general, the inmates are poorly educated, and they tend—perhaps appropriately—to be suspicious of apparently official requests for information. For example, some of the women gave inappropriate responses because they misunderstood our questions. Other responses were completely illegible. And many women simply refused to complete the questionnaire. As an assistant superintendent in one of the facilities remarked:

> The topic of the children was such a "sore point" to many that they refused to answer the questions. Some felt it was in some way an underhanded plot of welfare departments to take the children away from them. This defensiveness was extensive enough to be astonishing—and yet, understandable. Many have a deeply imbedded feeling that welfare will stop at nothing in order to gain control over their children. This feeling persisted even though the women were assured that their names would not be in any way attached to the questionnaire, and that only general information was

*See, for example, Kathryn Watterson Burkhart, *Women in Prison* (Garden City, N.Y.: Doubleday, 1973), and Women's Prison Association, *A Study in Neglect: A Report on Women Prisoners*, prepared by Omar Hendrix, Ford Foundation Travel-Study Grant, July 15, 1972–Oct. 15, 1972.

required. Welfare is seen by these women as an organization dedicated to working against them, and fighting welfare is like taking on the whole bureaucracy. They are awed by and angry about the power held by welfare.

The reader is cautioned, therefore, that the findings we report must be interpreted in the light of these data-collection problems. Our respondents include only those who were willing to participate voluntarily, and they do not constitute a random sample. Moreover, we had no means of independently assessing the accuracy of the women's responses, although the consistency of the responses we received from such a large sample gives us some basis for confidence in our data. Hence, we view our findings as an important, but very preliminary, contribution to the effort to collect national baseline data on this population.

LOCAL STUDY

The New York City Correctional Institution for Women (NYCCIFW) on Rikers Island was selected as the site for the local study because of its geographic accessibility and the promise of cooperation from its administration. The commissioner of corrections in New York City and the superintendent of the facility both shared our concern about the study population and readily agreed to cooperate.

We decided to conduct individual interviews with both detained and sentenced mothers at NYCCIFW. Although we realized that this approach would eliminate the possibility of respondent anonymity and would limit the number of women who could be included in our sample, we felt that it was important to obtain more detailed information about this population as a counterpart to our broad-based, but very general, national survey.

Selection of Sample

Since the length of stay at NYCCIFW varies greatly and the experience of women who have been at the facility for extended periods may be quite different from that of persons held briefly, we decided to focus our study on detained women who had just arrived at the facility and sentenced women who had already spent at least sixty days at NYCCIFW by the date of the interview. It was hoped that by interviewing women from these two categories, it would be possible to obtain useful data on each group and to contrast the concerns of newly arrived mothers with those of a more "settled" population.

On January 15, 1974, the house count at NYCCIFW was 402. Adult population (age eighteen and over) including 209 detainees and 110 sentenced women. Based on this count we decided to interview 80 detained women, or slightly over one-third of the adult detainee population, and 60 sentenced women, slightly over one-half of the adult sentenced population.

A detained woman who has just been arrested and has been at the police precinct or court goes to Room 100 when she first arrives at NYCCIFW. The population of Room 100 varies each day; the average number is twenty. The guard on

duty would routinely send women, when available, to the area in the corridor where the interviewer was sitting. The only criterion that the guard used when sending a detainee to the interview was her availability. Despite the maintenance of a written list of the daily population, the guard was unable to use a random sampling approach because of the hectic nature of the activity in Room 100.

It was more difficult to select a sample of sentenced women because there is no current list maintained of the women in the institution, the date they arrived at NYCCIFW, their sentence, and the date they are scheduled to be released. Therefore, on February 6, from the 146 names listed in the discharge book, we compiled a list of 67 names of women who were scheduled to be discharged after February 18, had sentences of at least two months, had already been at NYCCIFW for sixty days, had not participated in the pre-test, and were actually residing in the facility. The interviewer spoke with the sentenced women in the social service area, submitting a daily list of names from the 67 in the sample to the guard on duty who is responsible for contacting all women whom the social workers want to see on a given day. Only those who agreed to come to the social service area could actually be interviewed.

Development of the Research Instrument and Data Collection

The primary data-collection instrument was the individual interview guide. Different interview schedules were developed for the detained and sentenced women; and because the interviewer could spend more time with the sentenced women, more information was gathered from this group than from the detained women. Each schedule was pre-tested at NYCCIFW during early January. Essential revisions were made as a result of the pre-test.

The interview schedule consisted of both pre-coded and open-ended questions. Pre-coded questions permitted ease of recording. However, the interviewer also recorded additional comments made by the women, and her own comments and reactions.

A second-year graduate student from Columbia University School of Social Work conducted all the interviews with both the detained and sentenced women. She spent three days a week at the facility from January to March 1974, interviewing five to seven women a day.

When meeting with the women, the interviewer began by making standard introductory remarks in which she introduced herself and described the purpose of the study. The women were told that their answers were strictly confidential and that they could refuse to answer any question. When the introduction was completed, each woman was asked whether she was willing to be interviewed. In the several situations in which a woman did not want to participate, the interviewer tried to find out why and to allay any fears; if the woman remained reluctant to be interviewed, the interviewer simply thanked her for listening and terminated the interview. When women indicated that they did not have children, the interview was terminated.

The table below provides data about the rate of participation of the women in the two samples.

Respondent Status of Women in Sample Populations

	Detained Women		Sentenced Women	
With children, interview completed	35	(43.8%)	27	(40.3%)
With children, interview incomplete	3	(3.7%)	—	
With children, no interview due to language problem	1	(1.3%)	2	(2.9%)
With children, interview inappropriate because children over 18	3	(3.7%)	1	(1.5%)
With children, interview inappropriate because child placed for adoption or other reason	3	(3.8%)	—	
With children, refused to be interviewed	6	(7.5%)	12	(18.0%)
No children reported	29	(36.2%)	22	(32.8%)
Unknown, women discharged before interview	—		3	(4.5%)
Totals	80	(100.0%)	67	(100.0%)

The refusal rate of 7.5 percent among detained women was lower than expected. There was no way to verify a woman's assertion that she had no children, and some may have used this to avoid the interview. However, almost 64 percent of the detained women in the sample indicated that they had children; this is comparable to national estimates of the proportion of female inmates who have children and to the findings of a 1972 study at NYCCIFW.*

The refusal rate of 18 percent among sentenced women was substantially higher than the refusal rate for the detained women. This may be because women who have been at the facility longer are likely to feel freer to refuse. Also, women are never forced to report to the social services area; since the women did not know why they were being called by our interviewer, some may have refused because of lack of knowledge rather than reluctance to participate in this particular study. The proportion of women reporting that they had children was again similar to that of other estimates.

Method of Data Analysis

A code book was developed for the open-ended as well as for the pre-coded questions, and the interviewer took primary responsibility for coding the interview schedules. A second researcher recoded a portion of the interviews in order to test for reliability. Frequencies and associations were then computed. Because of the small sample size and the lack of random sampling, tests of significance could not be carried out.

*See Women's Prison Association, *A Study in Neglect*.

Limitations of the Study

The research design had several limitations, the most serious being the small size of the sample and the lack of random sampling. The 65 women interviewed in our study represent over one-fourth of the estimated 237 adult women with children at NYCCFIW.* However, since administrative procedures in the facility prevented us from selecting the sample on a random basis, we cannot say with certainty how representative our sample is. Time and staff constraints limited the size and range of our sample and prevented us from obtaining more data from each respondent. Moreover, because we were unable to obtain even basic information from independent sources within the facility, it was impossible to verify the information the respondents provided. We most regretted the fact that we were only able to interview mothers, not their children or their children's caretakers. Data provided by these latter sources would add another dimension to our findings and could be used to validate the mothers' responses.

Interviewing in any institutional setting can be difficult, and NYCCIFW was no exception. The physical location of the interviews, particularly those with the sentenced women, was far from ideal, as was the method of securing both samples. There was no way to insure consistency in the behavior of the guards responsible for sending the women to the interviewer. Severe time constraints were placed on the interviews, thus hampering the interviewer's efforts to develop the rapport essential for successful interviewing. Finally, the interviewer could not control communications between women who had already been interviewed and those who had not. The responses of some women may well have been contaminated by this informal exchange between inmates.

Thus, we must again remind the reader that our findings should be interpreted with these constraints in mind. The study suggests some important hypotheses about a population that has been sorely neglected. However, these are the findings of a modest exploratory study and need further verification. We hope only that we have been able to identify some significant lines of inquiry that other researchers will explore in a more thorough and systematic way.

*The estimate is based on the 1972 study which determined that 67 percent of the inmates had children. See Ibid.

NOTE: A major contribution to knowledge about women offenders is a volume published as we were going to press: Ruth M. Glick and Virginia V. Neto, *National Study of Women's Correctional Programs* (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, June 1977). Also, James Savage and his associates at Howard University are beginning to report findings from their important longitudinal study of children of imprisoned parents. See James Savage et al., "Parental Imprisonment and Child Socialization," Progress Report #1, Vol. II, Departments of Psychology and School of Social Work, Howard University, Washington, D.C., 1974 (Mimeographed).

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